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FRIDAY, JULY 2, 1976



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List of Public Laws

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

H.R. 10268 ..... Pub. Law 94–321
An act to amend title 38 of the United States Code in order to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and/or addresses of present and former members of the Armed Forces and their dependents.
(June 29, 1976; 90 Stat. 713)

S. 3161 ..... Pub. Law 94–320
An act to authorize certain flagpoles to be located on the Capitol Grounds, and to improve the flow of traffic to and from the United States Capitol Grounds and the National Visitor Center.
(June 25, 1976; 90 Stat. 711)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OHMO	CSC		DOT/OHMO	CSC
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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(For Details, See 41 FR 22997, June 8, 1976)
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PROCLAMATION 4447

National Bicentennial Highway Safety Year, 1976

By the President of the United States of America

A Proclamation

Millions of Americans—men, women, and children—are planning to see and participate in Bicentennial activities. An expected twenty million visitors from abroad will also participate.

The overwhelming majority of those involved in Bicentennial related activities will travel on the Nation's roadways. Since the beginning of the automobile age, over two million Americans have died on our Nation's highways. This exceeds the combined total of all the fatalities suffered in all the wars that this country has fought since its founding.

The Congress has requested (H.J. Res. 726) that the necessity for highway safety be recognized by Presidential proclamation so that our Bicentennial year does not become one of unparalleled carnage and slaughter on the highways.

The Congress has further requested that all Americans participate in monthly safety programs during a National Bicentennial Highway Safety Year, with emphasis on the following specific activities: July—Safer Driving; August—Roadside Obstacle Elimination; September—Save Our Children; October—Signs and Signals; November—Railroad Crossing Protection; December—Alcohol and Problem Drinkers; January—Safety Education; February—Safer Bridges; March—Pedestrian and Bicycle Safety; April—Pavement Marking and Delineation; May—Highway Hazard Removal; and June—Safety Belts and Child Restraints.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim that the twelve-month period beginning the month of July, 1976 is designated as National Bicentennial Highway Safety Year.

As requested by the Congress, I call upon Americans in all walks of life, in both the public and private sectors, as individuals, groups, and organizations, to participate in appropriate programs and activities, at home, at work, and on the highway, so that lives may be saved and injuries prevented—symbolizing the rededication of the American people to living and working together in a spirit of mutual cooperation, harmony, dignity, and respect in order to achieve better, healthier, happier lives for all.

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

Gerald R. Ford

[FR Doc.76-19437 Filed 6-30-76;4:59 pm]

rules and regulations

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

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

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

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

Effective Date

On April 16, 1976, a Cost Accounting Standard entitled Allocation of Business Unit General and Administrative Expenses to Final Cost Objectives was published in the FEDERAL REGISTER (41 FR 16135 et seq.).

The effective date of the Standard, which was reserved in the April 16 publication, is October 1, 1976, and § 410.80 (a) is therefore supplemented as follows:

§ 410.80 Effective date.

(a) The effective date of this Standard is October 1, 1976.

* * * * *

(84 Stat. 796, sec. 103; 50 U.S.C. app. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-19262 Filed 7-1-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Special Assistant to the Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistant Administration, is expected under Schedule C.

Effective on July 2, 1976, § 213.3310(s) (14) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.* * * *

(14) One Special Assistant to the Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention.

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

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

[FR Doc.76-19319 Filed 7-1-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 100, 103, 214, and 344 of Chapter I of Title 8 of the Code of Federal Regulations.

The responsibility for the general direction of the Assistant Commissioner for Naturalization has been transferred from the Associate Commissioner, Management, to the Associate Commissioner, Examinations. Accordingly, in Parts 100 and 103, §§ 100.2(a) and 103.1 (a) and (c), respectively, have been amended to reflect this transfer of responsibility.

In Part 100, §§ 100.4 (a) and (b) are amended to reflect the recent redesignation and realignment of regions, the relocation of the Southern Regional Office, and realignment of Districts 24, 25, 26, and 28. The Northwest, Northeast, Southeast and Southwest Regions have been redesignated Northern, Eastern, Southern, and Western Regions, respectively, and the Southern Regional Office has been relocated from Richmond, Virginia to Dallas, Texas. Jurisdiction over Districts 19 (Denver, Colorado) and 24 (Cleveland, Ohio) has been transferred from the Western (formerly Southwest) and Southern (formerly Southeast) Regions, respectively, to the Northern Region. Jurisdiction over Districts 4 (Philadelphia, Pennsylvania), 5 (Baltimore, Maryland), 25 (Washington, D.C.), and 27 (San Juan, Puerto Rico) has been transferred from the Southern (formerly Southeast) Region to the Eastern Region. Jurisdiction over Districts 14 (San Antonio, Texas), 15 (El Paso, Texas) and 38 (Houston, Texas) and Border Patrol sectors 15, 16, 17, 18 and 19 has been transferred from the Western (formerly Southwest) Region to the Southern Region.

Effective May 23, 1976, jurisdiction over District 35 (Mexico City, Mexico) has been transferred from the Western (formerly Southwest) Regional Office to the Deputy Commissioner. Accordingly, the last sentence of § 100.4(a) is amended to reflect this transfer of responsibility. Corollary amendments are made in §§ 103.1 (n), (o), (o)(1), and 103.4.

Existing § 214.2(k) provides that a petition filed on behalf of an alien fiancee(e) of a United States citizen shall not be approved unless the petitioner establishes that he has personally met and seen the beneficiary prior to filing the petition. The amendment modifies that requirement to provide that failure to establish that petitioner has personally met and seen the beneficiary prior to the filing of the petition will be fact to be given considerable weight in determining whether a bona fide marriage is intended.

Effective October 1, 1976, the Government's fiscal year has been changed from the calendar period of July 1 of any given year through the following June 30th to the calendar period of October 1 of any given year through the following September 30th. Accordingly, § 344.1 is being amended to reflect the fiscal year in conformity therewith.

In light of the foregoing, the following amendments to of Title 8 of the Code of Federal Regulations, Chapter I, Parts 100, 103, 214 and 344 are hereby prescribed as set forth below:

PART 100—STATEMENT OF ORGANIZATION

1. In § 100.2(a), the third and fourth sentences are amended. As amended, § 100.2(a) reads as follows:

§ 100.2 Organization and delegations.

(a) The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to direct the administration of the Service and enforce the Act and all other laws relating to immigration and naturalization, except the authority delegated to the Board of Immigration Appeals. The Deputy Commissioner is authorized to exercise all power and authority of the Commissioner unless any such power or authority is required to be exercised by the Commissioner personally or has been exclusively delegated to another immigration official or class of immigration officer. Subject to the general supervision of the Commissioner and the direction of the Deputy Commissioner, the Associate Commissioners have responsibility for Service program development, coordination, evaluation and counseling relating to Service policy and recommendations within their program areas of activity and general direction of the Assistant Commissioners with technical responsi-

bility for each of the program areas as follows: The Associate Commissioner, Examinations, the Adjudications, Inspections, and Citizenship and Naturalization programs and general direction of the Assistant Commissioners for Adjudications, Inspections, and Naturalization; the Associate Commissioner, Enforcement, the Border Patrol, Investigations, and Detention and Deportation programs and general direction of the Assistant Commissioners for Border Patrol, Investigations, and Detention and Deportation; the Associate Commissioner, Management, the Administrative, Records and Information, and Personnel programs and general direction of the Assistant Commissioners for Administration, Information Services, and Personnel. The Assistant Commissioners have responsibility for planning, coordinating, evaluating, and technical counseling relating to their program areas as follows: The Assistant Commissioner for Adjudications, the Adjudicative programs; the Assistant Commissioner for Inspections, the Inspection programs; the Assistant Commissioner for Naturalization, the Citizenship and Naturalization programs; the Assistant Commissioner for Border Patrol, the Border Patrol programs; the Assistant Commissioner for Investigations, the Investigations programs; the Assistant Commissioner for Detention and Deportation, the Detention and Deportation programs; the Assistant Commissioner for Administration, the Administrative programs; the Assistant Commissioner for Information Services, the Records Administration and Information, Statistics, and Automated Data Processing programs; the Assistant Commissioner for Personnel, the Personnel programs.

* * * * *

2. In § 100.4, paragraph (a) is amended and in paragraph (b) Districts 24, 25, 26, and 28 are amended. As amended, §§ 100.4 (a) and (b) read, in pertinent part, as follows:

§ 100.4 Field Service.

The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol sectors as follows:

(a) *Regional offices.* The Eastern Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 4, 5, 7, 21, 22, 23, 25, and 27 and Border Patrol sectors 1, 2, 3, and 4. The Southern Regional Office, located in Dallas, Texas, has jurisdiction over districts 6, 14, 15, 26, 28, and 38 and Border Patrol sectors 15, 16, 17, 18, 19, 20, and 21. The Northern Regional Office, located in St. Paul, Minnesota, has jurisdiction over districts 8, 9, 10, 11, 12, 19, 24, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8, and 9. The Western Regional Office, located in San Pedro, California, has jurisdiction over districts 13, 16, 17, and 18 and Border Patrol sectors 10, 11, 12, 13, and 14.

(b) *District offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

* * * * *

24. *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the State of Ohio.

25. *Washington, D.C.* The district office in Washington, D.C., has jurisdiction over the District of Columbia, and the State of Virginia.

26. *Atlanta, Georgia.* The district office in Atlanta, Ga., has jurisdiction over the States of Georgia, North Carolina, South Carolina, and Alabama.

* * * * *

28. *New Orleans, Louisiana.* The district office in New Orleans, La., has jurisdiction over the States of Louisiana, Arkansas, Mississippi, Tennessee, and Kentucky.

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. (a) Section 103.1 is amended in the following respects: Paragraph (a) is amended; a new paragraph (a)(3) is added; paragraph (c) is amended; and existing paragraph (c)(4) is deleted in its entirety.

(b) The second sentence of paragraph (n) is amended by deleting therefrom the parathetical words "(except Mexico)"; the second sentence of paragraph (o) is amended by adding District "35," immediately following District "33"; and the first sentence of subparagraph (o)(1) is amended by adding four Service offices located in Mexico to the enumeration of Service offices therein. As amended, §§ 103.1 (a), (c), (n), (o) and (o)(1) read as follows:

§ 103.1 Delegations of authority.

* * * * *

(a) *Associate Commissioner, Examinations.* The Adjudications, Inspections, and Citizenship and Naturalization programs and general direction of the Assistant Commissioners for Adjudications, Inspections, and Naturalization.

(1) *Assistant Commissioner for Adjudications.* The Adjudicative programs.

(2) *Assistant Commissioner for Inspections.* The Inspections programs.

(3) *Assistant Commissioner for Naturalization.* The Citizenship and Naturalization programs.

* * * * *

(c) *Associate Commissioner, Management.* The Administrative, Records and Information, and Personnel programs and general direction of the Assistant Commissioners for Administration, Information Services, and Personnel.

(1) *Assistant Commissioner for Administration.* The fiscal, procurement, communication, and engineering activities.

(2) *Assistant Commissioner for Information Services.* The Records Administration and Information, Statistics, and Automated Data Processing programs.

(3) *Assistant Commissioner for Personnel.* The Personnel programs.

(4) [Deleted]

* * * * *

(n) *District Directors.* Under the executive direction of a regional commissioner (except district directors outside the United States who operate under the general supervision of the Commissioner and direction of the Deputy Commissioner), the grant or denial of any application or petition submitted to the Service, the initiation of any authorized proceeding in their respective districts, and the exercise of the authorities under §§ 242.1(a), 242.2(a), and 242.7 of this chapter without regard to geographical limitations. District directors outside the United States have all appellate jurisdiction specified in this chapter not reserved to the Board of Immigration Appeals for matters arising in their respective districts. District directors, acting district directors and deputy district directors are authorized to conduct the proceeding provided for in § 252.2 of this chapter.

(o) *Officers in Charge.* The supervision of inspection at ports of entry and the authorization of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. Officers in charge in Districts 33, 35, and 37 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States. The officers in charge in the places enumerated in § 212.1(i) of this chapter have the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act.

(1) The officers in charge of the offices located in Frankfurt, Germany; Athens, Greece; Rome, Italy; Naples, Italy; Palermo, Italy; Vienna, Austria; Manila, Philippines; Tokyo, Japan; Hong Kong, B.C.C.; Mexico City, Mexico; Guadalajara, Mexico; Monterrey, Mexico; and Tijuana, Mexico, are authorized to perform the following functions: Authorize waivers of grounds of excludability under sections 212(h) and (i) of the Act; adjudicate applications for permission to reapply for admission to the United States after deportation or removal if filed by an applicant for an immigrant visa in conjunction with an application for waiver of grounds of excludability under section 212(h) or (i) of the Act, or if filed by an applicant for a nonimmigrant visa under section 101(a)(15)(K) of the Act; approve visa petitions of any immediate relative or preference status except third and sixth preference; in cases in which the Department of State had delegated recommending power to the consular officer, approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency; exercise discretion to grant applications for the benefits of sections 211 and 212(c) of the Act; process Form I-90 applications and deliver duplicate Forms I-151; extend reentry permits; and process

Form N-565 applications and deliver certificates issued thereunder.

* * * * *

2. In § 103.4, the second sentence is amended by adding District "35," immediately following District "33". As revised, § 103.4 reads as follows:

§ 103.4 Certifications.

The Commissioner, the Deputy Commissioner, Regional Commissioners, Deputy Regional Commissioners, and district directors outside the United States, within their respective areas of responsibility, may direct that any case or classes of cases be certified for decision. District directors in the United States and officers in charge in Districts 33, 35, and 37 may certify their decisions to the appellate authority designated in this chapter when the case involves an unusually complex or novel question of law or fact. The alien or other party affected shall be given notice on Form I-290C of such certification and of his right to submit a brief within 10 days from receipt of the notice. Cases within the appellate jurisdiction of the Service shall be certified only after an initial decision has been made. In cases within § 3.1(b) of this chapter, the decision of the officer to whom certified, whether made initially or upon review, shall constitute the base decision of the Service from which an appeal may be taken to the Board in accordance with the applicable parts of this chapter. The decision of the Service officer to whom the case has been certified shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

PART 214—NONIMMIGRANT CLASSES

3. In § 214.2(k) the fifth sentence is amended. As amended § 214.2(k) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(k) *Fiancees and fiances of United States citizens.* An alien defined in section 101(a)(15)(K) of the Act must be the beneficiary of an approved visa petition filed on Form I-129F. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place where the petitioner is residing in the United States. A copy of a document submitted in support of a visa petition filed pursuant to section 214(d) of the Act and this paragraph may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service. Failure on the part of the petitioner to satisfactorily establish that he has personally met and seen the beneficiary prior to filing the petition shall be given considerable weight in determining whether a bona fide marriage is intended. Without the approval of a separate petition on his behalf, a child of the beneficiary defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act may be accorded the same nonimmigrant classification as the beneficiary if accompanying or following to join him. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. The approval of a petition under this paragraph shall be valid for a period of 4 months. A petition which has expired due to the passage of time may be revalidated by a district director or an American consular officer for a period of 4 months from the date of revalidation upon a finding that the petitioner and beneficiary are free to marry and intend to marry each other within 90 days of the beneficiary's entry into the United States. The approval of any petition is automatically terminated when the petitioner dies or files a written withdrawal of the petition before the beneficiary arrives in the United States.

* * * * *

PART 344—FEES COLLECTED BY CLERKS OF COURT

4. Section 344.1 is revised to read as follows:

§ 344.1 Division of the year for accounting for naturalization fees.

For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on September 30 of any given calendar year and shall be divided as follows: The first quarter shall end December 31; the second quarter ends March 31; the third quarter ends June 30; and the fourth quarter ends September 30.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 100.2(a), 100.4, 103.1(a) and (c), 103.1(n), (o), (o)(1), and 103.4 relate to agency management; the amendment to § 214.2(k) modifies an existing restriction; and the amendment to § 344.1 is editorial in nature.

Effective date: The amendments made in this order shall become effective on July 2, 1976.

Dated: June 29, 1976.

L. F. CHAPMAN,
Commissioner of Immigration and Naturalization.

[FR Doc.76-19208 Filed 7-1-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-955, Amdt. 50]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 28, 1976.

In accordance with established methodology, the Board has completed its quarterly review of fuel prices for foreign and overseas MAC air transportation services as of June 1, 1976,[1] and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[2]

Appendices A and B[2a] set forth the results of our computations of reported fuel price changes for commercial and military fuels as at June 1, 1976, based upon the application of the "active stations" methodology to the fuel consumption reported for the quarter ended March 31, 1976; and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective July 1, 1976, as follows: (a) decrease the long-range Category B and Category A rate from 1.64 to 0.93 percent; (b) maintain the Pacific interisland short-range Category B rate at 1.23 percent; and, (c) increase the "all other" short-range Category B rate from −2.17 to −0.41 percent.

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

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 1, 1976, as follows:

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

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *: *Provided, however,* That effective July 1, 1976, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, and (ii) Pacific interisland services performed with B-727 aircraft shall be increased by surcharges of 0.93 percent and 1.23 percent, respectively, and (iii)

[1] Under this procedure, the next surcharge rate amendment should be based on September 1, 1976, prices and effective on or about October 1, 1976, unless a precipitous fluctuation in fuel prices warrants an interim adjustment.

[2] ER-896, effective January 17, 1975.

[2a] Appendices A and B filed as part of the original document.

all other services performed with B–727 aircraft shall be decreased by 0.41 percent.[1]

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

§ 288.7 Reasonable level of compensation.

* * * * *

(d) For Category A transportation * * *

(1) * * *

(2) * * *

Provided, That effective July 1, 1976, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 0.93 percent.

* * * * *

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–19267 Filed 7–1–76;8:45 am]

[Regulation ER–954, Amdt. 1]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Organizational Amendment

Correction

In FR Doc. 76–18266 appearing at page 25889 in the issue for Wednesday, June 23, 1976 the following changes should be made:

(1) On page 25890, first column, in § 298.21 in the 8th line "Aaska" should have been "Alaska".

(2) Also in § 298.21 the 10th line should be deleted and in its place inserted: "Board's Field Office, Anchorage, Alaska".

Title 20—Employees' Benefits

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

[Reg. No. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Disclosure to the Parent Locator Service To Locate Absent Parents

On April 20, 1976, there was published in the FEDERAL REGISTER (41 FR 16561) a Notice of Proposed Rule Making with proposed amendments to the regulations permitting disclosure to the Parent Locator Service to locate absent parents, of information available in social security records.

Section 453 of the Social Security Act (42 U.S.C. 653), as added by Pub. L. 93–647, provides for establishment of a Parent Locator Service (hereinafter referred to as the PLS) within the Department of Health, Education, and Welfare (HEW) to obtain and transmit to authorized persons information as to the whereabouts of absent parents when such information is to be used to locate such parents for the purpose of enforcing their obligation to provide child support and maintenance.

Section 453(b) of the Act specifies that, upon appropriate request, the Secretary shall, notwithstanding any other provision of law, provide information through the PLS to authorized persons as to the most recent address and place of employment of an absent parent. Section 453(b)(2) specifically requires the Secretary to furnish such information if it is not in the Secretary's or the Department's files but can be obtained by the Secretary for the PLS, under authority of section 453(e), "from any other department, agency, or instrumentality of the United States." Section 453(e), in turn, expressly directs that the Secretary "shall promptly undertake to provide the information requested from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States or of any State." Under section 453(e)(2), the Federal units must promptly cause a search to be made of their files and records to determine whether the requested information is therein contained.

In many instances, the key to access to the files and records of Federal and State agencies is the Social Security Number (SSN). Without the SSN, the PLS and the Federal and State agencies from which it seeks information would be significantly hampered in carrying out their functions, contrary to the intent of Congress. See Sen. Rep. No. 93–1356, 93rd Cong. 2d Sess. pps. 48–49 (1974). Accordingly, the proposed regulation provides for furnishing to the PLS the most recent address, place of employment, and SSN of any absent parent.

Section 1106(a) of the Social Security Act prohibits disclosure of information from social security files except as the Secretary may by regulations prescribe and except as provided in Part D of Title IV of this [the Social Security] Act (which includes section 453). Thus, the Congress has treated disclosure for purposes of title IV–D differently from all other disclosures of social security information. Disclosure as provided in title IV–D, described above, is specifically excepted from the broad prohibition of disclosure under section 1106(a) and from the limitations on disclosure ordinarily applicable in the Secretary's prescription of regulations under that authority.

Information in social security records about the absent parent other than the most recent address, place of employment and SSN will not be furnished to the PLS. Also, no other disclosures will be made of information about an absent parent or of any other individual unless otherwise authorized by this regulation or specifically required by Federal law.

The disclosure to the PLS of the most recent address, place of employment and SSN is consistent with the Privacy Act of 1974, 5 U.S.C. 552a. That Act, in 5 U.S.C. 552a(b)(1), specifically authorizes disclosure, without the consent of the subject individual, of information maintained in a system of records, to officers and employees of the same agency (here, HEW, of which the PLS is a component) who have a need for the information in the performance of their official duties. No additional publication of such disclosure under the authority of this provision is required by the Privacy Act. The PLS employees would have a need for the most recent address, place of employment and SSN of absent parents in carrying out their official duties.

Further, certain technical changes have been made in § 401.3(g)(1) with respect to statutory references. Also §§ 401.3(g)(3) and (4) and § 401.3(s) are revoked because they are superseded by § 401.3(y).

Interested parties were given the opportunity to submit within 40 days, data, views, or arguments with regard to the proposed amendments. The comment period has expired and six letters of comment were received from the public in response to the proposals. Three commenters addressed issues not specifically related to the Social Security Administration (SSA) disclosure of information to the PLS, the fourth and fifth commenters opposed such disclosure while a sixth commenter favored it. A more detailed discussion of the comments follows.

One commenter expressed a general complaint that the commitment to maintain the confidentiality of social security records has been eroded over the years. This criticism is addressed to tax records and to Governmental disclosure of information as a whole and not specifically to disclosure of information to the PLS. Accordingly, no alteration of the proposed amendments is indicated.

A second commenter recommended that the present language of § 401.3(g)(1) specifying that disclosure of information may be made to any officer or employee of any agency of a State government responsible for administration of title IV–A, be extended by the SSA to include an officer or employee of a State political subdivision administering a title IV–A program, since title IV–A provides for administration by political subdivisions of a State. Under the present wording of the regulation, the information is available through the State agency for administration of the title IV–A program by the political subdivision. Thus, there is no need, and it is not administratively feasible for the SSA to set up systems to disseminate information directly to local political subdivisions rather than to a central State agency. However, in terms of disclosure under the proposed section 401.3(y), the SSA's disclosures are to the Federal PLS, not to the State or local political subdivisions. In any event, no change in the proposed amend-

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

ments on disclosure of information to the PLS is indicated.

A third commenter expressed a favorable reaction to the proposed amendment and in addition recommended that we expand the amendment to permit information from social security records to be used in the proper administration of Title XX social services programs and the Food Stamp Program. This comment, although related to disclosure of information from social security records, is not related to disclosure to the PLS and is currently being addressed through another proposed change to Regulation No. 1.

A fourth commenter expressed several objections to the proposed regulation. First, the commenter felt that the regulation does not require either the SSA or the PLS to determine that a request from an individual or State be legitimate. The PLS publication of notice of system of records, "safeguards" section, addresses this situation by requiring the requesting State to certify that the information will only be used to locate absent parents, establish paternity, or secure child support. Further, 5 U.S.C. 552a(i)(3) provides criminal penalties for anyone requesting information under false pretenses.

The second objection is that the absent parent is not informed in advance that information is requested about him and no opportunity is given him to object to the disclosure, despite the Privacy Act. The Privacy Act (5 U.S.C. 552a(b)(1)) permits the SSA to supply the information requested to the PLS on a "need to know" basis and (5 U.S.C. 552a(b)(3)) permits the PLS to supply the information to other Governmental units for the purposes intended. In any event, this objection would defeat the purpose of the PLS and could facilitate the avoidance of responsibility by the errant parent.

Comment was also made that, if not notified in advance, the absent parent should be notified after the release of the information under the Privacy Act. The Privacy Act requires no such notice and no purpose consistent with the objectives of the PLS is perceived as being served by such a notice of disclosure.

The next comment is that the law does not authorize release of the SSN. However, the SSN is necessary to obtain information from files and records of various Government agencies as required by the law, and to withhold disclosure of it would preclude effective administration, and would be inconsistent with the programmatic purpose of the PLS legislation.

The final objection is that the employer address/identity is not authorized by the law. In fact, section 453(b) of the Social Security Act does specify release of the "most recent address and place of employment of any absent parent."

A fifth commenter also raised several objections to the proposed regulations. First, the commenter opposed the treatment of the SSA and the PLS as part of the same "agency" (i.e., HEW) for Privacy Act purposes. Such treatment authorizes the disclosure of information by the SSA to the PLS without the consent of the individual to whom the information pertains. The definition of "agency" to mean the Department of Health, Education, and Welfare is in accord with HEW's Privacy Act Regulations, section 5b.1(b), published in the FEDERAL REGISTER on October 8, 1975 (40 FR 47409). Those regulations implement the Privacy Act's definition of "agency" (5 U.S.C. 552a(a)(1)) which refers to the corresponding Freedom of Information Act (FOIA) definition. The House report on the 1974 FOIA amendments stated that the conferees did not intend that the term "agency" be applied to subdivisions, offices, or units within an agency. Further, the FOIA definition of "agency" (5 U.S.C. 552(e)) provides that the term includes "any executive department," and the HEW FOIA regulations consistently treat the Department as the agency. Finally, in the floor debate on the House bill on which the Privacy Act was based, Congressman Moorhead explained that the bill intended to give the term "agency" its broadest statutory meaning. The commenter continued to argue that prior consent by the individual whose number is to be released must first be obtained, or the Privacy Act is violated. However, since HEW is the "agency," the Privacy Act 5 U.S.C. 552a(b)(1), specifically submits disclosure, on a "need to know" basis without the subject individual's prior consent.

The commenter further argued that the SSA's decision to release SSN's to the PLS should have taken into account whether reassociating absent parents with their families is a "wise, desirable, or economically beneficial idea." Since the PLS was established under the law enacted by the Congress, it is inappropriate for the Secretary of HEW to decide the merits of the law and have the release of the SSN to the PLS turn on that decision.

The sixth commenter expressed a favorable reaction to the proposed disclosure of the SSN to the PLS.

Accordingly, after full consideration of all comments, the proposed amendments are adopted without change as set forth below.

(Sections 205, 453, 1102, and 1106 of the Social Security Act, 53 Stat. 1368, as amended, 88 Stat. 2353, 49 Stat. 647, as amended, 53 Stat. 1398, as amended; 42 U.S.C. 405, 653, 1302, and 1306.)

Effective date: These regulations shall be effective on July 2, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.800–13.807, Social Security Programs.)

Dated: June 4, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 23, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 401 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Section 401.3 is amended by revising paragraph (g)(1), by revoking and reserving paragraphs (g)(3), (g)(4) and (s), and by adding a new paragraph (y) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of information relating to individuals is hereby authorized in the following cases and for the following purposes:

* * * * *

(g)(1) To any officer or employee of an agency of a State Government lawfully charged with the administration of (i) a program receiving grants-in-aid under titles IV–A, V, and XIX (and, in the case of Puerto Rico, Guam, and the Virgin Islands, under titles I, X, XIV, and XVI) of the Social Security Act, or (ii) an optional supplementation program, cognizable under title XVI, information regarding benefits paid to an individual or his entitlement to benefits under title II or XVI of the Social Security Act, or information with respect to entitlement of an individual or benefits provided him under title XVIII of such Act, and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual and obtained in the administration of title II or XVI may be furnished for such a purpose to such an officer or employee only upon consent of such individual or his duly authorized representative and of the source of such information or, if such source is not available, a physician in the employ of the Department. Medical information relating to an individual and obtained in the administration of title XVIII may be furnished if the source of such information does not object to the disclosure and the individual or his duly authorized representative consents to such disclosure.

(2) * * *

(3) [Revoked and Reserved]

(4) [Revoked and Reserved]

* * * * *

(s) [Revoked and Reserved]

* * * * *

(y) To the Parent Locator Service established pursuant to section 453 of title IV of the Social Security Act (42 U.S.C. 653), the most recent address, place of employment, and social security number of any absent parent, for purposes of locating such parent for enforcing child support obligations against such parent in accordance with Part D of title IV, provided payment of cost incurred in providing such information is made as

required by section 1106(b) of the Social Security Act (42 U.S.C. 1306(b)).

2. Section 401.6 is amended by adding a new paragraph (h) to read as follows:

§ 401.6 Payment for information in specific cases.

* * * * *

(h) Notwithstanding any other provisions of this section when the request is received through the Parent Locator Service payment of cost incurred shall be made as required by section 1106(b) of the Social Security Act (see § 401.3(y)).

[FR Doc.76-19103 Filed 7-1-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Betamethasone Dipropionate and Metamethasone Sodium Phosphate Aqueous Suspension

The Food and Drug Administration has evaluated a supplemental new animal drug application (49-185V) filed by the Schering Corp., Kenilworth, NJ 07033, proposing the safe and effective use of betamethasone dipropionate and betamethasone sodium phosphate aqueous suspension to help control inflammation associated with various arthropathies in horses. The application is approved July 2, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

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

Therefore under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended in § 522.163 by revising paragraph (c) to read as follows:

§ 522.163 Betamethasone dipropionate and betamethasone sodium phosphate aqueous suspension.

* * * * *

(c) *Conditions of use*—(1) *Dogs.* (i) It is used as an aid in the control of pruritus associated with dermatoses.

(ii) It is administered by intramuscular injection at a dosage of 0.25 to 0.5 milliliter per 20 pounds of body weight, depending on the severity of the condition. Frequency of dosage depends on recurrence of pruritic symptoms. Dosage may be repeated every 3 weeks or when symptoms recur, not to exceed a total of 4 injections.

(2) *Horses.* (i) It is used as an aid in the control of inflammation associated with various arthropathies.

(ii) It is administered aseptically by intraarticular injection at a dosage of 2.5 to 5 milliliters per joint, depending on the severity of the condition and the joint size. Dosage may be repeated upon recurrence of clinical signs. Injection into the joint cavity should be preceded by withdrawal of synovial fluid.

(iii) Not for use in horses intended for food.

(3) *Clinical and experimental data.* It has been demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) *Restrictions.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This amendment shall be effective July 2, 1976.

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

Dated: June 25, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-19239 Filed 7-1-76;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 75N-0103]

PART 1002—RECORDS AND REPORTS

Laser Products

The Food and Drug Administration (FDA) issues amendments to clarify laser manufacturers' reporting and recordkeeping requirements. Because these changes are editorial in nature, the Commissioner of Food and Drugs finds that notice and public procedure are not prerequisites to this promulgation. However, to permit orderly transition of procedures, the effective date is designated as August 2, 1976 to conform with the effective date of Part 1040—Performance Standards for Light-Emitting Products (21 CFR Part 1040) promulgated in the FEDERAL REGISTER of July 31, 1975 (40 FR 32252).

Laser products are presently included in the list of specific product groups under § 1002.61 (a)(1) and (c)(5) (21 CFR 1002.61 (a)(1) and (c)(5)) subject to manufacturers' reporting and recordkeeping requirements. However, effective August 2, 1976, laser products manufactured on or after that date will be subject to an FDA radiation safety performance standard prescribed under §§ 1040.10 and 1040.11 (21 CFR 1040.10 and 1040.11). It was intended that electronic products that become subject to such performance standards be automatically included in the list of products subject to reporting and recordkeeping under § 1002.61(c)(1). By revising paragraph (c)(1) to reflect the addition of Part 1040 to Subchapter J, paragraphs (a)(1), (c)(5) and Appendix A—Laser Reporting Index Number of § 1002.61 will no longer be necessary after August 2, 1976.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 360A(b), 82 Stat. 1183 (42 U.S.C. 263i(b))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 1002 is amended in § 1002.61 by revoking paragraph (a)(1) and redesignating existing paragraph (a)(2) through (a)(5) as paragraph (a)(1) through (a)(4); by revising paragraph (c)(1); and by revoking paragraph (c)(5) and Appendix A. As revised paragraphs (a) and (c)(1) read as follows:

§ 1002.61 List of specific product groups.

(a) *Group A.* (1) Ultrasonic products.

(2) Microwave heating equipment not listed in paragraph (c) of this section.

(3) High voltage vacuum switches, high voltage rectifier tubes, shunt regulator tubes, and cathode ray tubes which are intended to be operated at voltages greater than 5,000 volts but less than 15,000 volts.

(4) Ultraviolet lamps, including sunlamps, and products containing such lamps intended for irradiation of any part of the living human body by light of wavelength in air less than 320 nanometers to induce skin "tanning" or other cosmetic change or to perform a diagnostic or therapeutic function.

* * * * *

(c) *Group C.* (1) Products subject to Federal standards prescribed under this subchapter except for television receivers described in paragraph (b)(1) of this section.

* * * * *

Effective date: These amendments shall become effective August 2, 1976.

(Sec. 360A(b), 82 Stat. 1183 (42 U.S.C. 263i(b)).)

Dated: June 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-19233 Filed 7-1-76;8:45 am]

SUBCHAPTER L—REGULATIONS UNDER CERTAIN OTHER ACTS ADMINISTERED BY THE FOOD AND DRUG ADMINISTRATION

[Docket No. 75N-0115]

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

Tea Standards

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631 (21 U.S.C. 43, 50)) and delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the regulations for the enforcement of the act (21 CFR Part 1220) are amended by revising § 1220.40(a) to read as follows:

§ 1220.40 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on March 2, 1976, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1976, and ending April 30, 1977:

(1) Formosa Oolong.
(2) Black Tea other than China, Formosa, Japan Type (to be used for all black teas except those from China, Formosa, and Japan).
(3) Black Tea, China, Formosa, Japan Type (to be used for black teas from China, Formosa, and Japan).
(4) Green Tea (to be used for all green teas).
(5) Canton Oolong Type (to be used for all Canton type teas of Formosa or China origin).
(6) Scented Black Tea.
(7) Spiced Tea.

These standards apply to tea shipped from abroad on or after May 1, 1976. Tea shipped prior to May 1, 1976 will be governed by the standards that became effective on May 1, 1975.

* * * * *

Because this amendment is based on the recommendation of the Board of Tea Experts, which is comprised of tea experts drawn from the Food and Drug Administration and the tea trade, to be representative of the trade as a whole, the Commissioner of Food and Drugs therefore concludes that notice, public procedure, and delayed effective date are not necessary prerequisites for the promulgation of this regulation.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 6.1(d)(4) (21 CFR 6.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment. The Commissioner has also considered the inflation impact of this regulation and has found that it will not cause a major inflation impact and as defined in Executive Order 11821, OMB Circular A–107, and Guidelines issued by the Department of Health, Education, and Welfare. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Effective date. This regulation became effective May 1, 1976.

(Secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631 (21 U.S.C. 43, 50).)

Dated: June 25, 1976.

SAM D. FINE,
Associate Commissioner, for Compliance.

[FR Doc.76–19240 Filed 7–1–76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 653–76]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Financial Interests

This order updates the list of Department officials required to report outside financial interests.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, paragraph (c)(2) of § 45.735–22 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 45.735–22 Reporting of outside interests by persons other than special Government employees.

* * * * *

(c) Statements of employment and financial interest are required of the following:

* * * * *

(2) Employees occupying the following positions:

(i) Office of the Attorney General.

Counselor to the Attorney General.
Special Assistants.
Director of Public Information.
Assistant Directors of Public Information.
Director of Policy and Planning.

(ii) Office of the Deputy Attorney General.

Associate Deputy Attorneys General.
Executive Assistant.
Director, Executive Office for U.S. Attorneys.
U.S. Attorneys.

(iii) Office of the Solicitor General.

Deputy Solicitors General.
Tax Assistant.

(iv) Office of Legal Counsel.

Deputy Assistant Attorneys General.

(v) Office of Legislative Affairs.

Deputy Assistant Attorneys General.
Chief, Legislative and Legal Section.

(vi) Office of Management and Finance.

Deputy Assistant Attorney General.
Staff Directors.
Administrative Counsel.
Director, Justice Data Center.
Director, Justice Publication Services Facility.

(vii) Office of Professional Responsibility.

Counsel on Professional Responsibility.
Deputy Counsel.
Assistant Counsels.

(viii) Office of Watergate Special Prosecution Force.

Public Information Officer.

(ix) Community Relations Service.

Deputy Director.
Associate Director.
Chief Counsel.
Regional Directors.

(x) Antitrust Division.

Deputy Assistant Attorneys General.
Director of Economics.
Director of Operations.
Deputy Director of Operations.
Director, Policy Planning Office.
Section Chiefs.
Field Office Chiefs.

(xi) Civil Division.

Deputy Assistant Attorneys General.
Section Chiefs.

(xii) Civil Rights Division.

Deputy Assistant Attorneys General.
Special Assistants.
Executive Officer.
Section Chiefs.
Directors of Offices.

(xiii) Criminal Division.

Deputy Assistant Attorneys General.
Section Chiefs.

(xiv) Land and Natural Resources Division.

Deputy Assistant Attorney General.
Legislative Assistant.
Section Chiefs.

(xv) Tax Division.

Deputy Assistant Attorneys General.
Director, Civil Litigation.
Section Chiefs.

(xvi) Federal Bureau of Investigation.

Assistant Director, Administrative Division.

(xvii) National Institute of Corrections (Bureau of Prisons) Director, National Institute of Corrections.

Employees classified at GS–13 or above who are in positions involving: (1) Contracting or procurement, or (2) administering, auditing or monitoring grants and contracts.

(xviii) Drug Enforcement Administration.

Assistant Administrators.
Office Directors.
Chief Counsel.
Chief Inspector.
Controller.
Laboratory Directors.
Regional Directors.
Chief, Administrative Services Division.
Contract and Procurement Officer.
Contract Specialist, GS–13 and above.
Chief, Compliance Division.
Section Chiefs, Compliance Division.
Project Officers, GS–13 and above.

(xix) Immigration and Naturalization Service.

Deputy Commissioner.
Associate Commissioner, Management.
Assistant Commissioner, Administration.
Regional Commissioners for Northern, Southern, Eastern, and Western Regions.
Deputy Regional Commisisoners for Northern, Southern, Eastern, and Western Regions.
Associate Deputy Regional Commissioners, Management, for Northern, Southern, Eastern, and Western Regions.

(xx) Law Enforcement Assistance Administration.

Special Assistants to the Administrator and the Deputy Administrators.

Director, Executive Secretariat.
General Counsel.
Inspector General.
Director, Office of Civil Rights Compliance.
Director, Office of Public Information.
Director, Office of Congressional Liaison.
Director, Office of Equal Employment Opportunity.
Comptroller.
Assistant Administrator, Office of Regional Operations.
Assistant Administrator, National Criminal Justice Information and Statistics Service.
Director, National Institute of Law Enforcement and Criminal Justice.
Assistant Administrator, Office of Planning and Management.
Director, Office of Criminal Justice Education and Training.
Assistant Administrator, Office of Operations Support.
Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention.
Director, National Institute for Juvenile Justice and Delinquency Prevention.
Regional Administrators.
All Deputy Assistant Administrators, Deputy Directors, or Deputy Regional Administrators of the above offices.
Employees classified at GS–13 or above who are in positions involving: (1) Contracting or procurement, or (2) administering, auditing or monitoring grants and contracts.

(xxi) U.S. Marshals Service.

Director.
Deputy Director.
U.S. Marshals.

(xxii) U.S. Parole Commission.

All Commissioners.

* * * * *

Dated: June 24, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76–19277 Filed 7–1–76:8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Correction

In FR Doc. 76–18413, appearing at page 26820 in the issue of Tuesday, June 29, 1976, make the following changes:

1. On page 26823, in the first column, in paragraph (b), lines five through ten should read as follows: "(a) of this section applicant shall submit in addition to such certificate of insurance a completed farm labor contractor standard accident policy certificate of insurance as evidence of the issuance of a farm labor contractor";

2. On page 26825, in the first column, in paragraph (b), after the word "to" in line three add the following: "issue, may suspend, revoke or refuse to".

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT, DEPARTMENT OF LABOR

SUBCHAPTER A—LABOR MANAGEMENT REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Simplified Annual Reports for Smaller Labor Organizations

On April 9, 1976, a notice of proposed amendments to 29 CFR 403.4(b) was published in the FEDERAL REGISTER (41 FR 15032) which would provide for simplified reporting under the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), for local unions which are not in trusteeship, have no assets, liabilities, receipts, and disbursements and meet other specified conditions. Such local unions would not be required to file the annual financial report required by section 201(b) of the LMRDA if their parent National or international union filed a report on their behalf for each local in the required format providing basic information about the local and included a certification attesting to the accuracy of the information contained in the reports.

Interested persons were invited to submit written data, views or comments regarding the proposal within 30 days. Only one comment was received. This comment objected to the proposal on the ground that it would result in a shortage of information available to the public. This comment was considered, but it was concluded that there would be no reduction in the information available because the reports from the parent union will provide essentially the same information that would be obtained in reports directly from the locals. It is also expected that there will be greater compliance with the reporting requirements of the LMRDA when parent unions can file reports on behalf of these very small locals which meet all the required conditions.

Accordingly, the proposed amendments are adopted without change and are set forth below.

Effective with publication, the heading of Title 29, Chapter IV is changed from Office of Labor-Management, Welfare Pensions, to Office of Labor-Management Standards Enforcement.

Effective date. It has been determined that annual financial reporting by small local labor organizations which have no finances and meet other criteria is unduly burdensome and that the purpose of public disclosure would be fulfilled equally well by permitting their parent national or international labor organization to file reports on their behalf. Therefore, to avoid the necessity of some small labor organizations filing reports now found to be unnecessary, good cause is found to waive the 30-day delayed effective date otherwise required. Accordingly, this amendment shall be effective July 2, 1976.

Signed at Washington, D.C. this 18th of June, 1976.

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

Title 29 is amended as follows:

CHAPTER IV [AMENDED]

The heading of Chapter IV is revised to read "Office of Labor-Management Standards Enforcement."

Section 403.4(b) is revised as follows:

§ 403.4 Simplified annual reports for smaller labor organizations.

* * * * *

(b) A local labor organization not in trusteeship, which has no assets, no liabilities, no receipts and no disbursements during the period covered by the annual report of the national organization with which it is affiliated need not file the annual report required by § 403.2 if the following conditions are met:

(1) It is governed by a uniform constitution and bylaws filed on its behalf pursuant to § 402.3(b) of this chapter, and does not have governing rules of its own;

(2) Its members are subject to uniform fees and dues applicable to all members of the local labor organizations for which simplified reports are submitted;

(3) The national organization with which it is affiliated assumes responsibility for the accuracy of, and submits with its annual report, a separate sheet no smaller than 8 inches by 10 inches and no larger than 8½ inches by 14 inches in duplicate for each local labor organization containing the following information with respect to each local organization in the format illustrated below as part of this regulation:

(i) The name and designation number or other identifying information;

(ii) The file number which the Office of Labor-Management Standards Enforcement (formerly the Office of Labor-Management and Welfare-Pension Reports) has assigned to it;

(iii) The mailing address;

(iv) The beginning and ending date of the reporting period which must be the same as that of the report for the national organization;

(v) The city, county, and State where it is chartered to operate;

(vi) The names and titles of the officers as of the end of the reporting period;

(4) At least thirty days prior to first submitting simplified annual reports in accordance with this section, the na-

tional organization notifies the Office of Labor-Management Standards Enforcement, Division of Reports Processing and Disclosure, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, in writing, of its intent to begin submitting simplified annual reports for affiliated local labor organizations;

(5) The national organization files the terminal report required by 29 CFR 403.5(a) on Form LM-3, clearly labeled on the form as a terminal report, for any local labor organization which has lost its identity through merger, consolidation, or otherwise if the national organization filed a simplified annual report on behalf of the local labor organization for its last reporting period; and

(6) The national organization with which it is affiliated assumes responsibility for the accuracy of, and submits with its annual report and the simplified annual reports for the affiliated local labor organizations, the following certification in duplicate properly completed and signed by the president and treasurer of the national organization:

CERTIFICATION

We, the undersigned, duly authorized officers of [name of national organization], hereby certify that the local labor organizations individually listed on the attached documents come within the purview of 29 CFR 403.4(b) for the reporting period from [beginning date of national organization's fiscal year] through [ending date of national organization's fiscal year], namely:

(1) they are local labor organizations; (2) they are not in trusteeship; (3) they have no assets, liabilities, receipts, or disbursements; (4) they are governed by a uniform constitution and bylaws, and fifty copies of the most recent uniform constitution and bylaws have been filed with the Office of Labor-Management Standards Enforcement; (5) they have no governing rules of their own; and (6) they are subject to the following uniform schedule of fees and dues: [specify schedule for dues, initiation fees, fees required from transfer members, and work permit fees, as applicable].

Each document attached contains the specific information called for in 29 CFR 403.4(b)(3)(i)–(vi), namely: (i) the local labor organization's name and designation number; (ii) the file number assigned the organization by the Office of Labor-Management Standards Enforcement; (iii) the local labor organization's mailing address; (iv) the beginning and ending date of the reporting period; (v) the city, county and state where the local labor organization is chartered to operate; and (vi) the names and titles of the officers of the local labor organization as of [the ending date of the national organization's fiscal year].

Furthermore, we certify that the terminal reports required by 29 CFR 403.4(b)(5) and 29 CFR 403.5(a) have been filed for any local labor organizations which have lost their identity through merger, consolidation, or otherwise on whose behalf a simplified annual report was filed for the last reporting period.

President	Treasurer
Where signed	Where signed
Date	Date

(Sec. 208; 73 Stat. 529, 29 U.S.C. 438; Secretary's Order 11-72.)

(FORMAT FOR SIMPLIFIED ANNUAL REPORTING)

SIMPLIFIED ANNUAL REPORT

Affiliation name:

File number:

Designation name and number:

Period covered:
From Through

Unit name:

Where chartered to operate
City:

Mailing address
Name of person:

County:

Number and street:

State:

City, State and zip:

Names and Titles of all officers:

For certification see NHQ file folder file number:

[FR Doc.76-19290 Filed 7-1-76;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 250—OIL AND GAS AND SULPHUR OPERATIONS OF THE OUTER CONTINENTAL SHELF

PART 251—GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Correction

In FR Doc. 76-18259 appearing at page 25891 in the issue of Wednesday, June 23, 1976 in the second column of page 25891, paragraph (11), in the 5th line, the date now reading "March 1, 1976" should read "March 1, 1967".

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 711—NAVAL RESERVE OFFICERS TRAINING CORPS

Revision

Pursuant to the authority conferred in 5 U.S.C. 301, 10 U.S.C. 2101-2111 and 5031, and 32 CFR 700.1202, the Chief of Naval Education and Training revises 32 CFR Part 711. Part 711 was based on a Bureau of Naval Personnel publication entitled "Naval Reserve Officer Training Corps Regulations" (NAVPERS 15034-B). This publication was cancelled, and it was superseded by Chief of Naval Education and Training Instruction 1533.12A adopted June 27, 1975, and the revision of Part 711 is based upon this directive. Further, the revision relates to internal naval management and personnel practices and largely reflects nonsubstantive changes adopted in the instruction.

It has therefore been determined that invitation of public comment on this revision prior to adoption would be impracticable and is not required under the public rule-making provisions in 32 CFR Parts 296 and 701.

Accordingly, 32 CFR Part 711 is revised to read as follows:

Subpart A—General Principles and Organization

Sec.
711.101 Authorization.
711.102 Supervision.
711.103 Mission and goals.
711.104 Intent of the NROTC Program.
711.105 Organization of the NROTC.
711.106 Department of naval science.
711.107 Establishment, continuation, and disestablishment of units.
711.108 Withdrawal of authority for establishment of a unit.
711.109 Limitation of personnel of NROTC.
711.110 Land-grant institutions.
711.111 Definitions.

Subpart B—Conditions of Service

711.201 Types of NROTC students.
711.202 Naval science students.
711.203 Enrollment procedures.
711.204 Eligibility for enrollment.
711.205 Reenrollment of former NROTC students.
711.206 Physical examinations.
711.207 Transfer between NROTC institutions.
711.208 Appointment of NROTC students to service academies.
711.209 Entry of NROTC students into the U.S. Naval Academy.
711.210 Boards of review.
711.211 Probation.
711,212 Leave of absence.
711.213 Disenrollment.
711.214 Termination of appointment.
711.215 Commissioning procedure.
711.216 Commissioned status upon completion.
711.217 Dates of rank and precedence upon appointment.
711.218 Noncreditability of reserve affiliation while a member of the NROTC Program.

Subpart C—Administration

711.301 General policies.
711.302 Communications.
711.303 Inspections.
711.304 Review of accomplishments.
711.305 Officer and enlisted personnel.
711.306 Head of the Department of Naval Science.
711.307 Duties and status of additional officers and of enlisted men.

Sec.
711.308 Residence and uniform of officers and enlisted men.
711.309 Acceptance by NROTC staff members of payments of other benefits offered by an institution.
711.310 Student identification cards.
711.311 Recreation funds.
711.312 Armed Forces Day observance.
711.313 NROTC unit newspaper advertising.
711.314 Report of death.
711.315 Report control symbols and forms.

Subpart D—Instruction

711.401 General.
711.402 Professor of naval science.
711.403 Advanced standing.
711.404 Security clearances.
711.405 Academic majors.
711.406 Academic program.
711.407 Flight instruction program.
711.408 Indoctrination cruises and visits.
711.409 Summer training.
711.410 Status of training reports.
711.411 Athletics.
711.412 Absence from instruction.
711.413 Physical conditioning and weight control.
711.414 Appearance.
711.415 Conduct.
711.416 Aptitude for the service.
711.417 Marking, student records, and class standing.
711.418 Military organization.

Subpart E—Marine Corps

711.501 Enrollment in Marine Corps option courses.
711.502 Instruction of Marine Corps candidates.
711.503 Appointment to commissioned rank in the Marine Corps.
711.504 Dates of rank.
711.505 Clothing for Marine Corps candidates.
711.506 Marine Corps personnel assignments.

Subpart F—Alien Student Participation in the NROTC

711.601 General.
711.602 Policy.
711.603 Eligibility.
711.604 Enrollment procedures.
711.605 Disenrollment.
711.606 Entitlements.
711.607 Security clearances.
711.608 Summer training.
711.609 Reports.

Subpart G—Awards

711.701 General.
711.702 Policy.
711.703 NROTC staff awards.
711.704 NROTC student awards.
711.705 Annual awards ceremony.

Subpart H—Pay, Allowances, and Benefits

711.801 Subsistence allowances.
711.802 Active duty pay.
711.803 Payments and other benefits in cases of disability or death.
711.804 Post service National Service Life Insurance.
711.805 Travel and transportation allowances.
711.806 Space available and reduced fare travel.
711.807 Federal taxes.
711.808 Uniform allowances.
711.809 Educational expenses.

Subpart I—Uniforms and Insignia

711.901 Financing.
711.902 Authorized uniforms.
711.903 Uniform outfit.
711.904 Summer training uniforms.
711.905 Requisitioning clothing.
711.906 Alterations to NROTC uniforms.
711.907 Marking uniforms.
711.908 Wearing the uniform.
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711.1101 Application form.

Subpart L—Universities and Colleges Where NROTC Units Are Established

711.1201 NROTC units.

AUTHORITY: 5 U.S.C. 301, 10 U.S.C. 2101–2111 and 5031, 32 CFR 700, 1202.

Subpart A—General Principles and Organizations

§ 711.101 Authorization.

The Naval Reserve Officers Training Corps (NROTC) was originally established under authority of the Act of March 4, 1925 (Sec. 22) and the Act of August 13, 1946, as amended and reenacted, which have been replaced by the Act of October 13, 1964 (10 U.S.C. 2101 et seq.) and subsequent amendments.

§ 711.102 Supervision.

(a) In conformity with the provisions of existing law, the NROTC is operated through appropriate directives issued by the Department of the Navy and the Department of Defense.

(b) The Chief of Naval Education and Training prescribes courses for theoretical and practical professional naval education for NROTC units; provides to NROTC units the necessary transportation, equipment, and uniforms; and authorizes such expenditures from proper Navy appropriations as necessary for the efficient maintenance of the NROTC.

(c) The Chief of Naval Education and Training is the administrative agent for the NROTC program and exercises military command of all NROTC units.

§ 711.103 Mission and goals.

(a) *Mission.* To develop NROTC students morally, mentally, and physically and to imbue them with the highest ideals of duty, honor, and loyalty in order to commission college graduates as officers who possess a basic professional background, are motivated toward careers in the Naval service, and have a potential for future development in mind and character so as to assume the highest responsibilities of command, citizenship, and government.

(b) *Goals.* The primary objectives of the NROTC Program are to provide NROTC students with:

(1) An understanding of the fundamental concepts and principles of naval science;

(2) A basic understanding of associated professional knowledge;

(3) An appreciation of the requirements for national security;

(4) A strong sense of personal integrity, honor, and individual responsibility; and

(5) An educational background which will allow the NROTC student to undertake successfully in later periods of his career, advanced/continuing education in a field of application and interest to the Naval Service.

§ 711.104 Intent of the NROTC Program.

The intent of NROTC is to act as an officer accession program for the unrestricted line to provide and maintain naval officer strength by:

(a) Qualification of students for appointment as ensigns in the Regular Navy and the Naval Reserve, or second lieutenants in the Marine Corps and the Marine Corps Reserve, thus assisting in meeting the needs for commissioned officers.

(b) Increased dissemination of knowledge concerning the Navy and Marine Corps, their purposes, ideals and achievements, thereby gaining and holding increased public interest in the maintenance of adequate naval preparedness.

§ 711.105 Organization of the NROTC.

The NROTC is composed of naval units established at civilian institutions of higher education of the United States. These units will be officially designated as "NROTC Unit, (name of institution)."

§ 711.106 Department of Naval Science.

Instruction given at any institution in accordance with the programs prescribed will be conducted and supervised by the Commanding Officer of the NROTC unit in his capacity as Head of the Department of Naval Science and Professor of Naval Science (PNS).

§ 711.107 Establishment, continuation, and disestablishment of units.

(a) Upon approval by the Secretary of the Navy, an NROTC unit may be established for the purpose of preparing selected students for commissioned service at any accredited civilian educational institution authorized to grant baccalaureate degrees.

(b) The establishment, continuation, and disestablishment of a unit shall be in accordance with section 2102, Title 10, United States Code, and DOD Directive 1215.8.

(c) Naval Science courses should be awarded degree credit commensurate with the time expended, in the same manner as for other academic subjects.

(d) Economical production as reflected by officer productivity, performance, retention, and per capita costs shall be the primary criterion used to determine continuation of a unit. Enrollment and production minimums are set forth in DOD Directive 1215.8. Whenever it is indicated that the institution concerned is not meeting the desired production standards, the president of the institution will be advised by the Secretary of the Navy concerning these aspects of the NROTC. As soon as feasible thereafter, a representative of the Chief of Naval Education and Training will confer with the president of the institution to verify and discuss the facts and to discuss the alternatives available.

(e) A civilian institution of higher education desiring to establish an NROTC unit should make application to the Chief of Naval Education and Training on the form shown in Subpart K.

§ 711.108 Withdrawal of authority for establishment of a unit.

An institution desiring to withdraw from the NROTC will so report in writing, giving reasons in full therefor to the Chief of Naval Education and Training at least three months prior to the date upon which withdrawal is to be effective. A unit will not be maintained at an institution when the institution, after thorough consideration, desires its withdrawal. Ordinarily, however, a unit will be withdrawn only at the end of an academic year. The Secretary of the Navy, may, upon the recommendation of the Chief of Naval Education and Training, and upon at least three months' notice, in writing, to the institution, withdraw the unit from any institution where such unit is established and rescind authorization for a unit at that institution should it be considered that the work of the unit is not compatible with the mission of the NROTC. Whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the Professor of Naval Science a unit should be withdrawn, the Professor of Naval Science shall forward to the Chief of Naval Education and Training a report stating in full those details of the situation existing at the institution which woud be of assistance to the Chief of Naval Education and Training in arriving at an understanding of the facts and circumstances involved in the request or recommendation for the withdrawal of the unit. In all cases final authority of disestablishment rests with the Secretary of the Navy.

§ 711.109 Limitation of personnel of NROTC.

Current legislation limits the number of NROTC Scholarship Program students receiving financial assistance at any one time to 6,000. There is no statutory ceiling on the number of NROTC College Program students. Program strength plans are developed based upon projected officer accession requirements established by the Chief of Naval Personnel. These plans are further subject to Congressional funding constraints and approved strength levels.

§ 711.110 Land-grant institutions.

The obligations of land-grant institutions to provide military instruction, imposed by the Act of July 2, 1862 (7 U.S.C. 304), are not altered by the enacting law authorizing the NROTC, or by this instruction. The military training requirements prescribed by the above Act are considered to be fulfilled by students who have successfully completed two years of naval science courses and drills.

§ 711.111 Definitions.

(a) *Advanced course (advanced training).* Naval science subjects and training provided to students during the third and fourth years of a four-year program, or the equivalent subjects and period of training for a two-year program.

(b) *Basic course (basic training).* Naval science subjects and training provided to students during the first two years of the four-year program.

(c) *College program.* That part of the NROTC program in which students receive education and training for Reserve commissions in the Navy or Marine Corps. Students receive a monthly subsistence allowance while enrolled in the advanced course. Their educational expenses are not subsidized by the Navy. They may be enrolled in two or four-year programs.

(d) *College program student.* A student enrolled in the College program. Formerly called "Contract NROTC Student."

(e) *Designated applicant.* A college student attending the naval science institute as a prerequisite to enrollment in the NROTC advanced course.

(f) *Four-year program.* That part of the NROTC program which provides the basic and advanced courses.

(g) *Midshipman.* Only students in the Scholarship Program are appointed as midshipmen; however, the term "midshipman" is used to refer generically to any NROTC student, Scholarship or College program, male or female.

(h) *Naval Science.* A body of knowledge on professional naval subjects offered as college-level courses at civilian institutions of higher education having NROTC units and at maritime academies having departments of naval science.

(i) *Naval Science Institute.* An academic and professional naval science program provided during the summer months to college students to satisfy the NROTC basic course.

(j) *Naval Science student.* A student enrolled in naval science courses who is not a member of the NROTC.

(k) *NROTC Unit.* The naval organization established at a civilian institution of higher education which has been authorized to participate in the NROTC.

(l) *Professor of Naval Science.* The senior commissioned officer of the Navy or Marine Corps assigned to an NROTC unit. Such officer serves as commanding officer of the NROTC unit and as head of the naval science department at the institution of higher education hosting the NROTC unit.

(m) *Program, NROTC program, NROTC.* The Senior Naval Reserve Officers' Training Corps established at civilian institutions of higher education granting baccalaureate degrees as described in the Reserve Officers' Training Corps Vitalization Act of 1964 (Chapter 103, Title 10, United States Code). Naval science instruction, divided into basic and advanced courses, is provided to students enrolled in the Scholarship and College programs.

(n) *Scholarship.* An award granted through national competition or by recommendation of the professor of naval science to career motivated individuals possessing abilities and aptitudes desired by the naval service. This award provides for the payment of tuition, fees, books, and laboratory expenses along with a monthly subsistence allowance.

(o) *Scholarship program.* That part of the NROTC program in which students receive education and training for Regular commissions in the Navy or Marine Corps. Students enrolled receive a monthly subsistence allowance and have their education expenses (tuition/fees/textbooks) subsidized by the Navy. They may be enrolled in two or four-year programs.

(p) *Scholarship program student.* A student enrolled in the Scholarship program. Formerly called "Regular NROTC Student."

(q) *Two-year program.* That part of the NROTC program which provides only the advanced course to successful graduates of a naval science institute.

Subpart B—Conditions of Service

§ 711.201 Types of NROTC students.

(a) NROTC Scholarship Program students are appointed midshipmen, Naval Reserve, and may be granted the compensation and benefits authorized by law during the basic course (not to exceed 20 months) and the advanced course (not to exceed 20 months) for a total period not exceeding four years (40 months). During this period of college training the Navy pays for tuition, fees and textbooks, and provides uniforms, and a subsistence allowance of $100 per month. The NROTC Scholarship Program is maintained to educate and train well-qualified young men and women for careers as commissioned officers of the Regular Navy and Marine Corps. Only men and women reasonably disposed to making the Navy a career should plan to enter the NROTC Scholarship Program. This affirmation should be clearly understood by every individual who applies for the program. Upon appointment to commissioned grade, they will serve at the pleasure of the President as officers in the U.S. Navy or the U.S. Marine Corps.

(b) NROTC Two-Year Nuclear Propulsion Scholarship Students (NUC PROPS) are granted the above benefits not to exceed two years (20 months) while taking the advanced course after successful completion of the naval sci-

ence institute. The NUCPROP Program was established to provide officers who are basically qualified to pursue nuclear propulsion training immediately after graduation from college.

(c) NROTC Four-Year College Program students during their first two years in the Program while in the basic course have the status of civilians who have entered into a contract with the Navy. During this period they may hold concurrent status in either the Naval Reserve or the Marine Corps Reserve. Upon enrollment in the advanced course, College Program students, if not already a member of the Naval or Marine Corps Reserve, enlist in the Naval Reserve under the provisions of section 511, Title 10, United States Code. The NROTC College Program student, upon graduation and the completion of his naval science requirements, is commissioned as an ensign in the Naval Reserve or as a second lieutenant in the Marine Corps Reserve. He will be obligated to serve on active duty for three years. The NROTC College Program exists for those college students who wish to be available to serve their country for a specified period as Reserve officers in the line and staff designations offered to Regular officers in the Navy and Marine Corps. These students enter into a mutual agreement with the Navy in which they agree to take certain naval science courses, and complete one summer at-sea training period. They enlist in the Naval Reserve prior to commencement of the advanced course. In return, the Navy provides uniforms, naval science textbooks, and $100.00 a month subsistence allowance for a maximum of 20 months. The primary objective of the NROTC College Program is to train officer candidates for eventual appointment in the unrestricted line. Midshipmen who are found not qualified for the unrestricted line during their precommissioning physical exam may be offered a commission as ensign, U.S. Naval Reserve, with a restricted line or staff designator. The offer of such commissions depends on the needs of the Service and the qualifications of the individuals themselves.

(d) NROTC Two-Year College Program students are those students who are sophomores in good standing attending accredited junior colleges, colleges or universities (or who have completed at least two years of such attendance) qualified for enrollment in the advanced course of the NROTC College Program at colleges or universities in which NROTC units are located by successfully completing summer training as prescribed by the Chief of Naval Education and Training. The summer course of instruction, referred to as the Naval Science Institute (NSI), will provide as a minimum the naval science and drill required of NROTC students during the first two years of the Four-Year College Program. Those enrolled in the Two-Year College Program will have the same privileges and will assume the same obligations as those enrolled in the Four-Year College Program; and except for those remarks concerning the first two years in the program, all descriptive data given in (c) above apply also to Two-Year College Program students.

§ 711.202 Naval Science Students.

(a) With the approval of the professor of naval science and the academic authorities, civilian students who have not entered into any contract with the Navy may be permitted to pursue naval science courses for college credit provided the acceptance of such students will not adversely affect the instruction given to NROTC students. They are known as naval science students. Since they are not actually members of the NROTC, they will not be eligible, except as specifically authorized by the Chief of Naval Education and Training, to participate in NROTC summer training, to be issued uniforms, to have access to classified information, or to receive any financial benefits. They may withdraw at their own request.

(b) Naval science students who are citizens of the United States may become eligible for enrollment as NROTC College Program students, provided they comply in every respect with the requirements for such enrollment.

(c) Naval science students may, with the permission of the professor of naval science attend those drills in which Scholarship and College Program students participate.

(d) An NROTC student who is attending an institution having compulsory military training, and who is disenrolled from the NROTC for reasons other than disciplinary or inaptitude prior to the completion of the military requirements of the institution shall, if he so requests and the professor of naval science approves, be enrolled as a naval science student until the military training requirements of the institution have been completed. A student disenrolled from the NROTC for disciplinary reasons or inaptitude shall not be permitted to enroll as a naval science student without the specific approval of the Chief of Naval Education and Training.

(e) Students required or permitted by educational institutions to undergo military training who are not accepted for formal enrollment may receive instruction in naval science courses. But a student who has been denied enrollment by reason of refusing to execute the oath of affirmation shall not be permitted to wear an NROTC uniform, and no appropriated funds may be expended for his support.

§ 711.203 Enrollment procedures.

(a) *NROTC Scholarship students.* These students are normally appointed after a nationwide competitive selection procedure. Detailed directives and procedures for applying for the program are issued periodically. Selected candidates must subscribe to the following conditions.

(1) Be enlisted in the Naval Reserve for six years under the provisions of section 511, Title 10, United States Code; those who are enlisted members of a reserve component other than the Naval or Marine Corps Reserve are required to terminate affiliation with that component upon enlistment in the Naval Reserve; those who are already members of the Naval or Marine Corps Reserve shall be retained in that status as required by section 516, Title 10, United States Code.

(2) Complete such naval science courses and summer training as may be prescribed.

(3) Accept an appointment as a commissioned officer in the United States Navy or Marine Corps, if tendered.

(4) Serve on active duty for a period of not less than four years upon receipt of original commission. Those receiving lengthy training schools after commissioning may incur an additional active duty obligation.

(5) Agree upon completion of active duty in the Naval Service to remain in the Ready Reserve of the Navy or Marine Corps until the sixth anniversary of commissioning.

(6) The obligated period of active duty under this agreement may be extended in time of war or national emergency proclaimed by the President.

(b) *NROTC Two-Year Nuclear Propulsion Scholarship students.* Matriculated college sophomores who have completed a minimum of one semester each of college physics and integral calculus with B minus or better averages in specified majors may be selected for two-year NROTC scholarships. Selected applicants receive orders to the naval science institute. Successful completion of the naval science institute will qualify these students for appointment as midshipmen, USNR, and enrollment in the NROTC advance course at an NROTC institution. Selection for the NUCPROP Program does not guarantee entrance into the Nuclear Propulsion Program. Selected candidates who are potentially qualified will be interviewed during their senior year to determine their final qualification for Nuclear Propulsion Training. Candidates not selected for Nuclear Propulsion Training will be commissioned in the unrestricted line or they may apply for other special training programs and designations such as aviation, CEC, Supply, EDO, etc. Students who are disenrolled from the program for any reason, except medical, after receiving NROTC scholarship assistance, incur an active duty obligation of up to, but not in excess of, four years in an enlisted status. Currently, such personnel are being ordered to a two-year tour of duty. Students may be separated from the naval science institute and incur no active duty obligation. However, once the naval science institute is completed and enrollment in the advance course is accepted, disenrollment normally results in a two-year obligation.

(c) *NROTC College Program Students.*

(1) These students are enrolled by the professor of naval science within numbers specified by the Chief of Naval Education and Training. Such students must meet the general qualifications for NROTC enrollees as listed in § 711.204 and normally will be in attendance at an NROTC institution. If otherwise quali-

fied, however, a student at an institution that does not have a unit of the NROTC is eligible to be a member of a unit at a nearby college provided such cross-enrollment is approved by both institutions.

(2) Applicants for the College Program who were former NROTC students or members of any other officer candidate program may be enrolled only with the specific approval of the Chief of Naval Education and Training and the Chief of Naval Personnel. Their active duty obligation, if enrolled, will be three years if they had received less than two years of subsidized education. If they had received two or more years of subsidized education, they will have no active duty obligation of four years.

(3) No applicant shall be enrolled unless he has been found physically qualified.

(4) To receive subsistence payments and to be enrolled in the advanced course, authorized NROTC College Program students must enlist in the Naval Reserve for six years in pay grade E–1 under authority of section 511 of Title 10, United States Code, if not already members of the Naval or Marine Corps Reserve.

(5) NROTC College Program students in the advanced course are in an inactive status in the Naval Reserve until such time as they are commissioned, disenrolled and discharged for the convenience of the government, or ordered to active duty in enlisted status, except for periods of active duty for training during summer training periods.

(6) The professor of naval science is authorized to utilize a method of selection he deems appropriate in order to obtain fully qualified candidates to fill the annual enrollment goals.

(7) College Program students may apply for scholarship status via the annual national selection process, or through appointments based upon recommendations of the professor of naval science.

(d) *NROTC Two-Year College Program Student.*

(1) Selection for the NROTC Two-Year College Program is made on a program-wide basis from nominations submitted by the professors of naval science. Each applicant is considered under the "whole man" concept, and those considered best qualified are selected.

(2) Naval science students who have successfully completed the first two years of naval science will not be required to attend a naval science institute in order to become eligible for enrollment in the NROTC Two-Year Program.

(3) NROTC Two-Year College Program students may be eligible for the NROTC Scholarship Program based on meritorious performance at the naval science institute. Additional opportunities for scholarships may result through appointments based upon recommendations of the professor of naval science.

(e) *Naval Science Students.* These students may be enrolled by the professor of naval science as long as the number so enrolled is within the limits of the instructional staff and facilities available.

(f) *Marine Corps Option.*

(1) The Secretary of the Navy has authorized up to sixteen and two-thirds percent of each class (nation-wide) of the NROTC Scholarship and College Program to be enrolled as Marine Corps option students on a voluntary basis. These students will pursue the same course of study as their Navy counterparts during the first two years in the program. During the final two years, Marine Corps courses are substituted for the naval science courses. Graduates of the Marine Corps option will be commissioned as second lieutenants in the Marine Corps or Marine Corps Reserve. Application for the Marine Corps option may be made:

(i) At the time of initial application for the NROTC Scholarship Program.

(ii) At the time a finalist for the NROTC Scholarship Program is found physically disqualified for the Navy due to defective color perception.

(iii) At the time of initial application for the NROTC College Program for applicants with defective color perception.

(iv) At any time prior to commencement of the third year of the program for NROTC Scholarship and College Program students.

(v) After commencing the third year, NROTC Scholarship and College Program students may be enrolled as Marine Corps option students with the joint concurrence of the Chief of Naval Education and Training and the Commandant of the Marine Corps.

(2) Marine Corps option students who have not entered the advanced course may change to Navy option without approval of the Chief of Naval Education and Training provided release from the Marine Corps option is obtained from the Commandant of the Marine Corps. However, once a Marine Corps option student has entered the advance course, he may not change to the Navy option without the joint concurrence of the Chief of Naval Education and Training and the Commandant of the Marine Corps.

(g) *Cross-enrollments.* If otherwise qualified, a student at an institution that does not have a unit of the NROTC is eligible to be a member of a unit at a nearby college provided such cross-enrollment is approved by both institutions. However, in the case of scholarship students, payment of tuition, fees, books, etc., will be paid by the Navy to the NROTC host institution. Local arrangements must be made by the professor of naval science for transfer of funds from the host school to the school at which the student is enrolled.

§ 711.204 Eligibility for enrollment.

(a) Each candidate for enrollment in either the NROTC Scholarship or College Program must meet the following, as applicable:

(1) Must be a citizen of the United States and present official certified proof of citizenship.

(2) Be accepted for admission at one of the NROTC participating colleges and universities. NROTC College Program students may attend schools in the vicinity of NROTC universities and colleges provided approval is obtained from authorities at both institutions, from the commanding officer, NROTC unit and from the Chief of Naval Education and Training.

(3) Be morally qualified and possess officer-like qualifications and character as evidenced by appearance, scholarship, extracurricular activities, and record in his home community. Candidates convicted of any tort or crime will not normally be accepted into the program.

(4) Meet the age requirements as discussed in § 711.204(c).

(5) Be physically qualified in accordance with the physical standards set forth in Chapter 15, Manual of the Medical Department, U.S. Navy.

(6) Meet Department of the Navy requirements concerning prior use of narcotics and/or other related drugs.

(7) There are no restrictions as to marital status or sex of the candidate. Dependency restrictions for officer programs as set forth in COMNACRUIT COMINST 1110.1 are applicable to NROTC candidates. Requests for deviation from the applicable guidelines shall be referred to the Chief of Naval Education and Training.

(b) It is anticipated that there will be certain cases in which the professor of naval science desires to select an applicant, but that a definite finding as to his physical qualifications cannot be made by the field medical examiner. In addition, there may be other cases in which a reconsideration of determination by the field medical examiner of physical qualification is desired. Applicants in these categories shall not be enrolled as NROTC College Program students but may, if they so desire, be enrolled as naval science students. If determined to be physically qualified by the Chief, Bureau of Medicine and Surgery, the professor of naval science will be authorized to enroll the student in the NROTC College Program. The professor of naval science will ensure that each such applicant is aware of the fact that he cannot be formally enrolled in the program until his physical qualifications have been determined by the Chief, Bureau of Medicine and Surgery. In the event the Chief, Bureau of Medicine and Surgery, determines that the applicant does not meet the established physical standards, the professor of naval science shall be so advised, and will notify the applicant of his physical disqualification. However, if in the considered opinion of the professor of naval science further information is considered appropriate, he may authorize a reexamination. The results of this examination are to be forwarded for reconsideration and evaluation to the Chief, Bureau of Medicine and Surgery. An applicant enrolled in the program found physically qualified by the field examiners who is subsequently found not physically qualified by the Chief, Bureau of Medicine and Surgery, may be retained in the Program until the end of the current academic term if desired by the student. College Program applicants who are found to be not physically qualified for the unrestricted line of the Navy or

Marine Corps, or who do not desire the Marine Corps option, but who are physically qualified for duty in the restricted line or staff corps, may be retained as naval science students. At the completion of the sophomore year, these students may request pre-selection for restricted line or staff corps from the Chief of Naval Education and Training who will coordinate such requests with the Chief of Naval Personnel. If pre-selected, the Chief of Naval Education and Training will authorize enrollment of the student in the NROTC College Program.

(c) Applicants for the NROTC Scholarship Program must be at least 17 years of age on or before September 1 of the year of enrollment and be less than 25 years of age on June 30 of the calendar year in which commissioned (i.e., under 21 on June 30 in year of initial enrollment for a four-year curriculum and under 20 on June 30 in year of initial enrollment in a five-year curriculum). NROTC Scholarship students in the Two-Year NROTC programs must also be less than 25 years of age on June 30 of the calendar year in which commissioned. The professor of naval science may waive the minimum age requirements for a NROTC College Program student if the student is 16 years of age on or before June 30 of the year in which he is enrolled, and the professor of naval science is personally convinced that the student has sufficient maturity to undertake the naval science courses and drills. A letter report must be submitted to the Chief of Naval Education and Training in all such cases. The professor of naval science may request an age waiver for NROTC College Program applicants who will be greater than 25 years of age but less than 27½ years of age on June 30 of the calendar year in which commissioned (CNET Report Symbol 1533–33 applies).

(d) National agency checks will be required for NROTC students in accordance with current directives.

(e) NROTC College Program students enrolling in the basic course must execute the following oath: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion". Any student who refuses to execute such oath or affirmation shall be denied enrollment.

(f) A civilian student selected for appointment as midshipman, Naval Reserve (Scholarship Program), shall be appointed in the name of the Secretary of the Navy on the day of commencement of classes or NROTC freshman indoctrination, as applicable, at the institution to which he was authorized to report, provided he is acceptable to that institution on that date. Students selected for appointment who are on active duty in the Regular or Reserve components of the Navy or Marine Corps shall, in accordance with appropriate directives, be appointed midshipman, Naval Reserve, on the day immediately following the date on which placed on inactive duty for purpose of accepting appointment. Candidates enrolled or reporting late shall be appointed midshipmen, Naval Reserve, on the date they actually commence classes. No candidate reporting late will be appointed unless he is acceptable to the institution on the date of reporting and, under normal conditions, can be expected to complete satisfactorily the academic work of that semester or quarter.

(g) An NROTC College Program student may be appointed as midshipman, Naval Reserve (Scholarship Program), in the name of the Secretary of the Navy as a professor of naval science nominee authorized by the Chief of Naval Education and Training. Included are Two-Year College Program students who may be recommended for Scholarship status resulting from outstanding performance at a naval science institute, and subsequently after commending the advance course at their parent unit. College Program students selected for the Scholarship Program will be required to obtain their degrees and commissions in the same time they would normally have taken had they remained in their original status unless there is an approved change in major or a transfer between colleges at the time of entrance into the Scholarship Program which affects the date of commissioning. (An approved change in major in this instance refers to a change from the curriculum pursued while a College Program student to one authorized for Scholarship Program students when such change involves a loss of credit or the requirement of such additional courses that the original date of commissioning must be postponed.) The Chief of Naval Education and Training will provide annual criteria/guidelines for making nominations for such scholarship appointments.

(h) Candidates who have previously attended the NROTC Program, one of the service academies, the U.S. Coast Guard Academy, U.S. Merchant Marine Academy, state maritime academies, or any officer type training program, may not be enrolled in the NROTC College Program without the specific approval of the Chief of Naval Education and Training and the Chief of Naval Personnel. Letter requests for enrollment with comments and recommendations of the commanding officer, NROTC unit, shall be submitted in each case.

(i) No NROTC Scholarship or College Program student may be a member of any Armed Forces Reserve component other than the Naval or Marine Corps Reserve. Such students are not required to attend Reserve drills outside of their assigned naval science courses. Members of Reserve components other than Naval or Marine Corps Reserve must be discharged from their present enlistment contract and enlisted under the provisions of the NROTC program to facilitate the Scholarship or College Program (advanced course) enrollment. They may be enrolled as naval science students pending discharge from such status. NROTC students appointed from enlisted status shall be entitled only to NROTC related compensation and emoluments that normally accrue to any Reserve midshipman. The period of time served in the NROTC Scholarship or College Program shall not be counted in computing longevity, retirement eligibility, retired pay, or for any purpose in computing the length of service of any officer of an Armed Force.

(j) Any person receiving compensation from the Veterans Administration for disability incurred in the Naval or Military service of the United States, or who has any claim pending under that Administration on account of such disability, is not eligible for enrollment in the NROTC. Veterans who have previously filed such claims may become eligible for enrollment if (1) the Veterans Administration has disallowed the claim or if (2) the veteran has withdrawn or (3) withdraws his claim. Procedures for establishing such eligibility shall be in accordance with current directives. All such veterans should understand that any such actions initiated by them are voluntary on their part. While no individual is required to waive any such claims, enrollment in the NROTC is continent upon fulfilling all entrance requirements.

§ 711.205 Reenrollment of former NROTC students.

(a) A former NROTC Scholarship or College Program student who desires reenrollment as a College Program student may be considered for reenrollment provided the professor of naval science deems the student worthy.

(b) Consideration for reenrollment will be given after review of the recommendation submitted to the Chief of Naval Education and Training by the professor of naval science. In making such recommendation, the professor of naval science will comment upon the student's aptitude (college and summer training) for the naval service, past academic record, reason for disenrollment, and whether the cause for disenrollment has been eliminated. Normally, only those students with a good academic record and above-average aptitude marks should be recommended for reenrollment. Exceptions may be made, however, in particularly deserving cases if sufficient evidence in extenuation is presented. Specific approval of the Chief of Naval Education and Training and the Chief of Naval Personnel is required in all cases of reenrollment.

(c) Students accepted for enrollment as NROTC College Program students who have previously received two or more years of subsidized education in the NROTC Scholarship Program will, upon appointment to commissioned grade, be required to serve on active duty for a period of four years.

§ 711.206 Physical examinations.

Applications for the NROTC Program must meet the physical standards in Chapter 15, Manual of the Medical Department (MMD). Physical standards shown in abbreviated form in Chapter IV of the Navy Recruiting Manual may be

used to assess the eligibility of prospective applicants. Civilian physical examinations are acceptable only if authorized by the commandant of the naval district.

(a) *Initial examinations.*

(1) Entering NROTC Scholarship students need not be physically examined upon arrival, inasmuch as their physical qualifications will have already been established; however, students reporting with known physical defects should not be appointed until the clinical significance of the defect has been evaluated by the Chief, Bureau of Medicine and Surgery.

(2) Each applicant for enrollment in the NROTC College Program will be first examined to determine his physical qualifications. Standard Form 88, in duplicate, and one copy of Standard Form 93 (for those students the professor of naval science desires to enroll) shall be forwarded to the Chief, Bureau of Medicine and Surgery, for endorsement and then to the Chief of Naval Education and Training as soon as practicable and no later than sixty days after commencement of the academic year. Physical examinations conducted within one year prior to enrollment are acceptable provided they have been for the purpose of enrollment into the NROTC. Newly enrolled students who are considered not physically qualified by the Chief, Bureau of Medicine and Surgery, upon review of initial physical examination are to be disenrolled immediately, or, if the student so desires, at the end of the current academic term, (Semester or quarter) if authorized. Early determination of physical qualifications for all applicants is necessary to avoid physically disqualified students from obligating themselves to more than one term of naval science. It is frequently necessary to request additional clinical information to establish qualifications of certain candidates. Such requests shall be processed by the professor of naval science within thirty days, unless justifiable delays are reported to the Chief of Naval Education and Training.

(3) Annual physical examinations of NROTC students are not required; however, the professor of naval science at each unit is responsible for insuring that each student completes an Annual Certificate of Physical Condition (NAVMED Form 6120/3) during the fall term, and again during the spring term immediately prior to graduation (See Article 15-46, MMD). In the event a student answers "YES" to question one, the commanding officer shall submit copies of abstracts of treatment, narrative summaries, or other available medical records pertaining to the injury, illness, or disease resulting in hospitalization or absence from school to Chief, Bureau of Medicine and Surgery for review. Students answering "YES" to question two must be referred to the nearest Federal medical facility or authorized examiner for evaluation of the alleged defect. A copy of the evaluation report is to be submitted to the Chief, Bureau of Medicine and Surgery, for review. Evaluation reports from civilian consultants are acceptable if a Federal medical facility is not available. Notwithstanding the foregoing, the professor of naval science is responsible for submitting a report to the Chief, Bureau of Medicine and Surgery, on any student who at any time becomes disabled for a significant period of time or contracts a disease or injury that may render him "Not Physically Qualified" for commissioning. The completed Form 6120/3 is to be filed in the student's field health record (CNET Report Symbol 6120-1 applies).

(b) Pre-commissioning medical examinations. Graduating students must be given their pre-commissioning medical examination at least six months, and in no case more than one year, prior to commissioning. Examination before a statutory board of medical examiners, together with the preparation of a formal set of findings is not required. The examination shall be in accordance with the provisions of Chapter 15 of the Manual of the Medical Department. Embarkation points receiving NROTC students for their first class cruise shall arrange for pre-commissioning physical examinations to be conducted at the local Navy medical facility. However, units located in close proximity to Navy medical facilities should utilize those facilities to the maximum extent possible, consistent with class schedules, submission date deadline, and the one-year validity period for pre-commissioning physical examinations. First class cruise orders shall be endorsed by the unit commanding officer to indicate whether or not a pre-commissioning physical examination is required at the embarkation point.

(c) *Health records.* Health records shall be opened for both Scholarship and College Program students upon enrollment in the program.

(d) *Vaccinations and inoculations.* Appropriate vaccinations and inoculations shall be given to all students expecting to participate in summer training.

(e) *Report of illness or injury.* Each student enrolled in the NROTC must report all significant or incapacitating injuries or illnesses to their professors of naval science for action in accordance with § 711.212(e). Incapacitating injury or illness is normally that which precludes attendance at classes. In case of doubt, a report should be made. Failure of a student to comply with this paragraph may result in disciplinary action.

(f) *Travel in connection with medical examinations.* Commanding officers are authorized to transport NROTC Scholarship students and College Program students in the advanced course to and from installations when it is necessary for them to undergo medical (such as flight physicals) or other examinations, or for physical consultations and observation. The commanding officer may authorize them travel and subsistence while they are at, or traveling to or form, such installation in accordance with the Joint Travel Regulations, paragraph M6004, within funds available. Funds to be utilized will be the local operation maintenance allotment issued to the commanding officer by the Chief of Naval Education and Training. Every attempt shall be made to minimize costs and group travel procedures shall be followed in all cases possible.

(g) *Waivers.*

(1) All candidates for a NROTC scholarship must be selected by the annual national selection committee or by the professor of naval science and be found fully qualified physically for the program. Physical qualifications are determined by the Bureau of Medicine and Surgery (Physical Standards Branch).

(2) The physical standards for the NROTC Scholarship Program are very stringent and with one exception are not waiverable. This one exception is in the area of visual acuity (efficiency). (NROTC applicants who desire to become Marine Corps option students may also receive waivers for color perception deficiency.) Eye defects such as, excessive refractive error, disfiguring or incapacitating abnormality, or chronic disease which are not related to visual acuity may not be waived.

(3) The desired visual acuity standard for the NROTC Scholarship Program is 100% binocular visual efficiency (BVE) which equates to 20/20 uncorrected vision. This means that an applicant must be able to read 20/20 on the eye chart or other testing device, without error, with the naked or unaided eyes. Scoring less than this 20/20 (unaided vision) is considered disqualifying, unless a visual waiver is requested and subsequently approved.

(4) The term "waiver" indicates that a deviation from the standard is allowable. The word "waiver" by itself does not specify the limits of such deviation or how many applicants may be acceptable under this waivable limit. With regard to the NROTC Scholarship and College Program applicants, the degree of defective visual acuity (vision less than 20/20 unaided) which qualifies for a waiver consideration provided vision is correctable to 20/20 with standard lenses is contained in the Manual of the Medical Department.

(h) Any NROTC student not qualified for commissioning in the Navy due to defective color vision and who has been selected for the Marine Corps option must sign a statement of intent. The statement as shown below will be typed on the Scholarship or College Program service agreement and signed prior to submission to the Chief of Naval Education and Training.

I certifying that I fully understand that I am physically qualified for the NROTC Marine Corps option only and that I will not be allowed to change from this option. I further assert I will accept a commission in the USMC, or USMCR, if ordered.

§ 711.207 Transfer between NROTC institutions.

(a) An NROTC Scholarship Program student may request transfer from the NROTC unit at one institution to the NROTC unit at another if honorably released by the first institution, accepted by the second institution, and the transfer is approved by the Chief of Naval

Education and Training. Normally, the Chief of Naval Education and Training will not take favorable action upon such a request unless it has been favorably recommended by both professors of naval science.

(1) The professor of naval science of the NROTC unit at the first institution shall include in his endorsement (if not in the student's request) a statement of the exact field of study the student proposes to follow together with any information which would be of assistance to the professor of naval science and the academic authorities of the second institution in determining the student's probable acceptance for admission. There should be enclosed with this endorsement a transcript of the student's academic record, together with a statement of the courses in progress. This transcript need not be forwarded to the Chief of Naval Education and Training.

(2) The professor of naval science of the NROTC unit at the second institution in forwarding his recommendation to the Chief of Naval Education and Training shall include a statement as the probable action of the academic administrative authorities on the student's request. His forwarding endorsement shall also state what effect, if any, on the student's date of commissioning will be entailed by the requested transfer.

(3) The Chief of Naval Education and Training upon favorable recommendation from the professors of naval science will generally approve those transfers (except as noted in § 711.207(a)(5)) which are motivated by reason of unusual personal hardship or the impossibility of obtaining courses required for certain degrees.

(4) The Chief of Naval Education and Training will view unfavorably those requests for transfer for continuation of undergraduate studies when such transfers are motivated by reason of personal convenience or desires.

(5) Transfers of the type described in §§ 711.207(a)(3) and 711.207(a)(4) will not be authorized for continuation of undergraduate studies at a college which was higher on the student's list of choices at the time he originally entered the Program. Such transfers would be in direct conflict with the principles established in the Plan of Distribution of NROTC students adopted jointly by the Association of NROTC Colleges and the Chief of Naval Education and Training.

(b) An NROTC College Program student may transfer from one NROTC institution to another if honorably released by the first institution, accepted by the second institution and the transfer is approved by both professors of naval science.

(c) A naval science student who transfers from one NROTC institution to another may be reenrolled as a naval science student provided he is recommended by the professor of naval science of the institution from which transferred.

(d) The professor of naval science of the transferring institution shall forward to the professor of naval science of the receiving institution for Scholarship and College Program students:

(1) An official transcript.

(2) NROTC Performance Record including marks for all naval science courses completed and aptitude marks (4.0 basis).

(3) Health Record (DD Forms 722 and 722–1).

(4) Counseling records.

(5) Local Service Record and Enlisted Service Record for Scholarship Program students and College Program students enrolled in the advanced course.

(6) Date admitted to advanced standing for subsistence allowance.

(7) Date on which subsistence allowance was discontinued because of transfer.

(e) Whenever the appointment of a College Program student to Scholarship status involves a transfer from one institution to another, the professor of naval science of the institution receiving the student shall request the student's former professor of naval science to forward the records listed above.

§ 711.208 Appointment of NROTC students to service academies.

(a) Any student enrolled in the NROTC who is selected for appointment to one of the service academies or one of the state maritime academies or colleges will, upon his actual entrance into the academy or college, be released from his NROTC contract with the Secretary of the Navy.

(b) The provisions of § 711.209 shall, insofar as applicable, be applied to NROTC students entering any of the institutions named above.

§ 711.209 Entry of NROTC students into the U.S. Naval Academy.

(a) *Eligibility for entry.* Members of the NROTC may seek appointment to the Naval Academy under any existing procedure to which they would be eligible if not an NROTC student. Attention is invited to the fact that both Scholarship and College Program students will be permitted to compete for appointment to the Naval Academy by competitive examination from among members of the NROTC, as provided by the Act of February 27, 1936, ch 89, 49 Stat. 1144, as amended and reenacted (10 U.S.C. 6954(b)(4)). This act authorizes the Secretary of the Navy to appoint not more than twenty midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, in accordance with regulations established by the Secretary of the Navy, and from among members of the NROTC.

(b) Procedures for effecting entry. The entry of NROTC students, both Scholarship and College Program, into the Naval Academy shall be effected in accordance with the following procedures:

(1) The candidates will be informed by the Chief of Naval Education and Training as to the date on which they should report to the Naval Academy. It is expected that the reporting date will generally be about July 1, or as soon thereafter as the candidates become eligible for call.

(2) Upon sighting evidence from the Chief of Naval Education and Training that the student has been authorized to report at the U.S. Naval Academy, Annapolis, Maryland, to be sworn in as a midshipman, the professor of naval science shall place the student in a leave of absence status from the NROTC effective upon the day on which the student is due to report at the U.S. Naval Academy, Annapolis, Maryland.

(3) The records, accounts, and as much as possible of government clothing and equipment shall be retained at the NROTC unit or activity holding the accounts until receipt of the student's request for disenrollment bearing authenticated endorsement by the Superintendent of the Naval Academy.

(4) The professor of naval science will be informed by the Superintendent of the Naval Academy of the date upon which the student was appointed midshipman, U.S.N. The professor of naval science shall then disenroll the student from the NROTC (Special Reasons—to accept appointment at USNA) effective on the day prior to date of appointment at the Naval Academy.

(c) Students authorized to report to USNA but who are not appointed.

(1) In case a student placed in a leave status in accordance with the provisions is not appointed a midshipman at the Naval Academy, his leave of absence status from the NROTC shall be terminated by the professor of naval science effective upon the first day of the fall term of college (or earlier if § 711.209(c)(2) applies).

(2) Students will have qualified physically for appointment as midshipmen, USN, prior to the forwarding of the authorizations referred to in § 711.209(b). If, however, due to some condition arising subsequent to the issuance of the authority to report, a student upon reporting to the Naval Academy is found not physically qualified for appointment as midshipman, USN, he shall immediately notify the professor of naval science who may then order him to an appropriate NROTC summer cruise if he is physically qualified for retention in the NROTC. Otherwise, he shall be recommended to the Chief of Naval Education and Training for disenrollment for physical reasons. The recommendation for disenrollment will be approved only after it is determined that the student is not physically qualified for the NROTC Program.

(d) The professor of naval science will not be required to obtain approval of the Chief of Naval Education and Training prior to his taking the actions described in §§ 711.209(b) and 711.209(c).

§ 711.210 Boards of review.

(a) NROTC unit boards of review are convened by the professor of naval science to investigate and make recom-

mendations to the professor of naval science with respect to NROTC student cases. All board findings and recommendations are forwarded by the senior officer on the board to the professor of naval science and are to be included as a part of correspondence to the Chief of Naval Education and Training involving cases in question. NROTC students having their cases reviewed before a board have the right to appear before the board. Boards of review are convened for NROTC student cases involving:

Academics
Discipline/Conduct
Aptitude
Special cases

(b) The professor of naval science must convene boards of review in cases where recommendations of disenrollment will, in all likelihood, be made to the Chief of Naval Education and Training. Such boards shall consist of at least one naval officer (preferably the executive officer) and an appointed university official. If an institution turns down an invitation from the professor of naval science to appoint an official to a board of review, the professor of naval science shall convene the board, replacing the university official with an officer from his staff, upon receipt of notification of declining from the institution. This mandatory board requirement applies to these cases in which disenrollment recommendations are likely:

Academic Deficiency
Breach of Discipline
Inaptitude
Special Reasons (hardship cases)

(c) Boards of review should normally be made up of the following members:

Senior Member (normally the unit executive officer)
NROTC class instructor of student concerned
Additional staff officer/university official

(d) In order to consistently and promptly monitor and take action with respect to NROTC student performance and development, the professor of naval science should convene boards of review for the purpose of investigating and making recommendations in all cases involving these areas:

Academics
Discipline/Conduct
Aptitude
Special reasons (e.g., hardship cases)

§ 711.211 Probation.

(a) The professor of naval science is authorized to place on probation without reference to the Chief of Naval Education and Training any NROTC student who has academic or physical conditioning deficiencies or significant aptitude difficulties if the professor of naval science considers that the difficulty is transitory, that the student has the ability and is sufficiently motivated to overcome them, and that he has valuable potential as an officer in the naval service.

(b) NROTC students will be placed on academic probation for the term immediately following the term for which deficient. An additional term of unit probation may be authorized at the discretion of the professor of naval science. In no case will NROTC students remain on unit probation more than two consecutive semesters or three quarters without approval of the Chief of Naval Education and Training.

(c) If correcting a deficiency involves a repetition of an academic course which will not be offered in the next succeeding term, the probation should be continued through the first term in which the particular course will be offered subject to the limitation given in paragraph (b) of this section.

(d) NROTC students who are placed in a probationary status for any reason shall be notified of their status in writing. They shall be advised in the letter of probation of the cause, period, and terms of the probation and that failure to meet the terms specified will result in their being considered for Leave of Absence or disenrollment from the NROTC Program. A copy of the probation letter may be sent to the student's parent/guardian at the discretion of the professor of naval science. An additional copy shall be forwarded to the Chief of Naval Education and Training and will be made a part of the student's record (CNET Report Symbol 1533–34 applies).

§ 711.212 Leave of absence (LOA).

(a) *Graduate degrees.* Certain students may require additional time because of participation in professional programs which lead to a Master's degree. If authorized by the Chief of Naval Education and Training after consideration of the recommendation of the professor of naval science, such additional time may be allowed. However:

(1) The LOA utilized for postgraduate study is limited to the master's degree.

(2) The applicant must pursue a master's degree in a field that will enhance his naval professional career as an officer in a discipline for study included within the Navy subspeciality system. Such graduate study should be a logical progression of undergraduate study.

(3) The applicant must perform graduate study under the direct supervision of a professor of naval science at some university which hosts an NROTC unit. Students will be administered as in § 711.212(b).

(4) Normally LOA will be granted for a period of only 12 months. Where graduate work will require a longer period of time, each case will be considered on its individual merits.

(5) The applicant must have displayed significant academic expertise and motivation for a naval career.

(6) The applicant must be recommended for LOA by his professor of naval science.

(7) The applicant must complete his naval science requirements concurrently with receipt of his master's degree, not before. Therefore, the LOA should be requested prior to completion of all naval science requirements, if the degree requirement is not completed first. He may request deferment of first class cruise until after graduation in order to satisfy this requirement.

(8) The applicant must be officially accepted in graduate school prior to requesting an LOA.

(9) Scholarship students must be under 25 years of age on 30 June of the year scheduled for commissioning.

(10) Applicant's cumulative aptitude mark and cumulative grade point average must be within the top 25% of his NROTC class.

(b) *Five-year programs.*

(1) NROTC students enrolled in a curriculum normally requiring five years of completion will be placed in a leave status for one of the five years in order that he may complete the curriculum leading to his degree. While in such leave status, he will not be eligible to receive the financial benefits paid to, or in behalf of, NROTC students under instruction nor will he be required to take any naval science courses. In general, it is considered advisable for five-year students to be placed in a leave of absence during their third or fourth year in the program, thereby permitting their scheduling the fourth year of naval science during the last year prior to commissioning. In this way, they will be better prepared for assuming the duties of a junior officer and will be more readily available for receiving the many items of information and counseling given by the commanding officer and his staff during the months just prior to commissioning. (A student enrolled in a curriculum normally requiring more than four but fewer than five years for completion may be placed in a leave status during the final fraction of the fifth year instead of during a portion of the fourth year if considered advisable by the professor of naval science in order to facilitate the scheduling of required naval science courses.) Leave of absence during the entire fifth year should be authorized only under unusual circumstances. In some cases, the Chief of Naval Education and Training may determine the year during which the student is to be placed in a leave status and will so advise the professor of naval science.

(2) In the case of students who are regularly enrolled in college cooperative programs requiring alternate periods of employment in industry or business and normally requiring five years for the completion of a degree, leave status may be established during the periods in which a student is engaged in such employment and is not effectively in residence at the institution, or upon completion of the third or fourth year of his academic program if he has remained in residence on a part-time basis throughout the program.

(c) *Academic deficiency.*

(1) Academic deficiency in the NR OTC Program is defined as one of the following:

(i) Failure in one or more subjects.

(ii) Failure to maintain a satisfactory cumulative grade point average in accordance with university/college regulations.

(iii) Failure to make satisfactory progress toward completion of degree requirements.

(2) The professor of naval science may deem it necessary to place an NR OTC student in a leave of absence status due to a particularly poor academic performance and the genuine anticipation that the student may not finish the program. Otherwise students will be placed on unit probation for the term (semester or quarter) immediately following the term for which academically deficient. An additional term of unit probation may be authorized at the discretion of the professor of naval science, without prior approval of the Chief of Naval Education and Training. In no case will the student remain on unit probation more than two consecutive semesters or three quarters without the approval of the Chief of Naval Education and Training. Requests to the Chief of Naval Education and Training for continuation on unit probation are limited to individuals who have made satisfactory progress toward overcoming shortcomings.

(3) If the academic deficiency still exists at the end of the unit probation, the professor of naval science will either place the student in an academic LOA for one term or recommend disenrollment if he considers it appropriate. This academic LOA may be granted by the professor of naval science without prior approval of the Chief of Naval Education and Training.

(4) If at the end of one term of academic LOA, the student is still academically deficient, the professor of naval science will either request an extension of the LOA from the Chief of Naval Education and Training or recommend academic disenrollment.

(5) The professor of naval science will forward to the Chief of Naval Personnel (Pers-822a) via the Chief of Naval Education and Training (N–12) an NROTC Student Disenrollment Report (NAV PERS 1533/12 or 364) with a recommendation concerning academic disenrollment for any student who has been in academic LOA for three consecutive quarters or two consecutive semesters.

(6) The professor of naval science will notify the Chief of Naval Education and Training (N–12) by letter of any student placed in, or removed from, academic probation or LOA. Request for continuance of academic LOA will be submitted to the Chief of Naval Education and Training on the NROTC Student Disenrollment Report (NAVPERS 1533/12 or 364) utilizing the probation or leave of absence section of the form. The professor of naval science will include a statement of facts and a copy of the most current academic transcript. CNET Report Symbol 1533–34 applies.

(d) *Schedule of work.*

(1) Students not completing the requirements of the NROTC Program as specified by the Chief of Naval Education and Training within the time limits specified in the NROTC Instructional Plan shall be placed in a leave of absence status in accordance with the following procedures. Students starting their second year in either the Scholarship or College Program who do not arrange schedules of work in such manner that the deficiencies noted may be met by the end of that academic year shall be immediately placed in a leave of absence status by the professor of naval science until the required work is scheduled. If not scheduled by the beginning of their third year, the professor of naval science shall submit a disenrollment report to the Chief of Naval Education and Training indicating thereon detailed reasons for the student's noncompliance together with his recommendation concerning disenrollment. Such disenrollment will normally be for disciplinary reasons—refusal or failure to schedule required courses.

(2) Scholarship students excused from participating in a normally required summer training period and those failing to participate in such required training shall be placed on a leave of absence status from the termination of classes, normally in May or June, until the resumption of classes, normally in September.

(3) Midshipmen that fail to maintain full-time student status in accordance with the regulations of the relevant institution should be placed in an LOA status.

(e) *Physical.*

(1) The professor of naval science shall place immediately in a leave status for physical reasons any student who because of accident, illness or as indicated on any physical examination apparently does not meet the required physical standards for retention in the NROTC. If the student is in the Scholarship Program or the College Program advanced course, the Navy Finance Center shall be notified immediately so that payment of the subsistence allowance may be suspended.

(2) Students who fail to meet the physical conditioning standards shown in § 711.413 and the weight control standards contained in the Manual of the Medical Department shall be placed in a LOA status as follows: Students not meeting the standards prescribed for third-class midshipmen will be placed on physical leave of absence at the start of the second-class year; and students not meeting second-class standards by the start of first-class year will be placed on leave of absence at that time. The professor of naval science is authorized to place students on LOA (and remove them from LOA) without reference to the Chief of Naval Education and Training for failure to meet (or later for meeting) these standards. Also, he is authorized to extend the time limits if temporary injuries or recent illness make such action appropriate.

(3) If a student who has been placed in a leave of absence status for physical reasons continues his attendance at college and participates in all assigned NROTC classes and laboratory work (with the possible exception of military drill) in anticipation of later being found physically qualified, the professor of naval science upon receipt of notification of such physical qualification from the Chief, Bureau of Medicine and Surgery, may authorize retroactive payments of all financial benefits (tuition, fees, and subsistence allowance as appropriate) which had been suspended during the period of leave. The professor of naval science is authorized to place a student in a leave status for physical reasons, i.e., illness, suspected illness, injury, or convalescence from illness, without prior approval of the Chief of Naval Education and Training. The professor of naval science shall inform the Chief of Naval Education and Training immediately of such action. A student placed in a leave status for physical reasons other than for physical conditioning or weight control shall not be removed from such leave status without prior determination by the Chief, Bureau of Medicine and Surgery that the student is physically qualified. In requesting authority to remove a student from physical leave status, a clinical abstract of treatment afforded and any special report requested shall be forwarded to the Chief, Bureau of Medicine and Surgery. CNET Report Symbol 6120–1 applies.

(f) *Inaptitude.*

(1) NROTC students demonstrating inaptitude for commissioned naval service may be recommended for LOA status.

(2) The professor of naval science must ensure that the poor military performance and/or disciplinary problems must fully documented in his recommendation to the Chief of Naval Education and Training.

(3) NROTC students will be carried in such status for one term at the end of which will either be reinstated, recommended for disenrollment, or the professor of naval science may request an extension of their LOA from the Chief of Naval Education and Training.

(4) Initial recommendations for an inaptitude LOA will be submitted to the Chief of Naval Education and Training with a NROTC Student Disenrollment Report (NAVPERS 1533/12 or 364) utilizing the leave of absence section of the form.

(5) An NROTC student should not be placed on inaptitude LOA unless the professor of naval science has determined that his performance does not warrant disenrollment but there remains significant doubt as to his aptitude for commissioned naval service.

(g) *Limitations.*

(1) The LOA must not cause delay of commissioning beyond the maximum age limitation prescribed by law.

(2) The maximum length of payment of Scholarship or subsistence benefits is 20 months in the basic course and 20 months in the advanced course.

(3) Where it is necessary to extend the normal time for completion of either the basic course or degree requirements the student may be placed in a leave status without financial benefits for such periods as are necessary to comply with the requirements of the program of studies as normally conducted by the institution. While in such leave status, the student

will not be eligible to receive the financial benefits paid to, or in behalf of, NROTC students under instruction.

(4) A student will not be entitled to benefits and subsistance payments for any term in which he fails to maintain enrollment in sufficient number of credits to qualify as a full-time student in accordance with regulations of the institution.

(h) *Authority and procedure.*

(1) In all cases where NROTC student is requesting approval of a leave status, via the professor of naval science, a Request for Leave of Absence from NROTC Program (NAVPERS 579) must accompany the request.

(2) The professor of naval science may request LOA status (or endorse student requests) in the following cases:

(i) LOA necessary because of greater than normal time required for degree completion.

(ii) Inaptitude LOA.

(iii) LOA for graduate degree completion.

(iv) Special reasons (personal hardship, etc.).

(3) The professor of naval science is authorized to place NROTC students in a LOA status in the following cases:

(i) Scholarship or College Program students enrolled in a curriculum normally requiring five years for completion.

(ii) Midshipmen not making satisfactory progress toward degree or NROTC requirements.

(iii) Academic LOA.

(iv) Scholarship or College Program students (advanced course) who are excused from summer training programs.

(v) Physical LOA.

(vi) LOA pending disenrollment.

(4) In the case of academic LOA, a physical LOA due to overweight or poor physical fitness, or an inaptitude LOA approved by the Chief of Naval Education and Training, the professor of naval science must notify the student of his status in writing as follows:

(i) Reason for the LOA and its length.

(ii) Terms for reinstatement.

(iii) Possibility of disenrollment if improvement is not forthcoming.

(5) A student who requests release from his NROTC obligations due to conscientious objection will not be placed in a LOA status by the professor of naval science. His request should be endorsed and forwarded expeditiously to Chief of Naval Personnel via the Chief of Naval Education and Training.

(6) A copy of LOA letters (§ 711.212 (h)(4)) will be forwarded to the Chief of Naval Education and Training. At the discretion of the professor of naval science a copy of such letters may be forwarded to the midshipman's parent/guardian.

(7) The professor of naval science must ensure that the appropriate officer candidate accounting and reporting entries are made and correct pay information is submitted to the Navy Finance Center, Cleveland, Ohio.

(8) Recommendation for commissioning and other administrative action pertinent to students in a leave status shall be forwarded at the same time and in the same manner as for other NROTC students completing the program, even though the student is in leave status at the time of such action.

(9) A student who is about to complete his fifth year of college should be reported to the Chief of Naval Education and Training by the professor of naval science at the same time he reports the names of all other prospective graduating students. Upon completion of his fifth academic year and the granting of the baccalaureate degree, he will be commissioned at the same time and in the same manner as other NROTC students who have completed a normal four-year course and receive the baccalaureate degree at that time.

§ 711.213 Disenrollment.

(a) General considerations. There are several types of NROTC disenrollments.

(1) General.
(2) Physical.
(3) Academic.
(4) Disciplinary.
(5) Inaptitude.
(6) Special.
(7) Own request.
(8) Death of a student.

(b) The professor of naval science is authorized to disenroll NROTC students for the following reasons.

(1) Disenrollment of students by host institution.
(2) Appointment to service academy.
(3) Physical disqualification.
(4) Death of a student.
(5) Own request (Scholarship or College Program student in the basic course only).

(c) Disenrollment in the above cases does not constitute separation from the naval service of the NROTC students in question, until a formal termination of appointment is received indicating final disposition of the case.

(d) The professor of naval science recommends disenrollment to Chief of Naval Personnel (PERS 822a) via the Chief of Naval Education and Training in the following cases:

(1) Unacceptable academic performance.
(2) Disciplinary problems.
(3) Inaptitude for commissioned naval service.
(4) Special reasons.
(5) Own request (Scholarship student or College Program student in advanced course).

(e) A review board must be convened to make recommendations to the professor of naval science concerning the following types of disenrollment:

(1) Academic.
(2) Disciplinary.
(3) Inaptitude for commissioned naval service.
(4) Special reasons (hardship cases).
(5) Any reason other than physical disqualification of a student enrolled in the advanced course.

(f) The board shall consist of at least one naval officer and an appointed university official. The report of the review should include the names and titles of those present, date, findings, and recommendations.

(g) Disenrollment correspondence as per § 711.213(f) should include:

(1) NROTC Student Disenrollment Report (NAVPERS 1533/12 or 364).
(2) Review board results.
(3) Commanding Officer's comments (including recommendations for or against enlisted service).
(4) Indication of review by host institution (member on review board will suffice).
(5) Statement by student (required for disciplinary, inaptitude, special due to hardship, and own request of those in advanced standing).
(6) Supporting data (as appropriate).
(7) Academic transcript (academic disenrollment).

(h) The professor of Naval Science has a great deal of latitude in interpreting disenrollment situations/offenses. It should be noted that disciplinary and inaptitude disenrollments will seriously limit an individual's acceptance into any other officer program in the future.

(i) Recovery of government property (uniforms, books, etc.) should be affected in a timely manner. The disenrollee is to be held accountable for missing or lost items and will reimburse the government (U.S. Treasury) for any item not returned.

(j) Disenrollment-general. Involuntary Disenrollment by Institution. Any NROTC student dropped (i.e., involuntarily disenrolled) by the institution for academic failure or for any other reason shall be immediately disenrolled by the professor of naval science. This includes students who are "suspended", "forced to withdraw", "not permitted to register for the next semester", or who for any similar reason are prevented by the institution from continuing their enrollment either temporarily or permanently. The date of disenrollment shall be reported to the Chief of Naval Personnel via the Chief of Naval Education and Training on the NROTC Student Disenrollment Report.

(k) Disenrollment-physical/or death.

(1) Reports of injury, sickness, or poor physical condition are required if a midshipman's qualifications for commissioning becomes suspect (see § 711.212).

(2) The professor of naval science will request review of pertinent medical information, records, and/or examinations by the Chief, Bureau of Medicine and Surgery, when it is apparent that physically disqualifying problems exist for an NROTC student.

(3) Disenrollment reports made necessary by reason of death will be reported in a timely manner.

(4) In all cases of physical disenrollment the professor of naval science must ensure that appropriate medical information is included with the disenrollment report.

(5) Physical disenrollment will be directed by the Chief of Naval Education and Training for enrollees in the basic course and by the Chief of Naval Personnel for students in the advanced course. The professor of naval science should delay disenrollment action until receipt of such authorization.

(l) Disenrollment-academic.

(1) The professor of naval science shall recommend the disenrollment of any NROTC student whose general academic record and/or specific failures are such to make his value as an officer doubtful.

(2) A failing grade in any naval science subject, unsatisfactory degree progress, considerable deficiency in the general quality of the student's academic work, or unsatisfactory academic results within a major that jeopardizes graduation within a reasonable time period may individually be considered grounds for academic disenrollment.

(3) The professor of naval science must exercise judgment on the determination of those students who in his opinion may be likely to overcome such difficulties. Special consideration in such cases would result in probation or leave of absence rather than disenrollment.

(4) Students on academic probation or leave of absence for more than one term (quarter or semester) must be considered for academic disenrollment.

(m) Disenrollment-disciplinary.

(1) The professor of naval science may recommend the disenrollment of any NROTC student from the NROTC program for disciplinary reasons.

(2) Disciplinary disenrollment recommendations are not limited to but may include any of the following:

(i) Major breach of Navy discipline.

(ii) Criminal and/or moral offenses deemed to be disqualifying by the professor of naval science.

(iii) Cumulative unsatisfactory disciplinary record.

(iv) Discontinuing NROTC training at student's own volition without use of proper procedures (own request, etc.).

(v) Unwillingness to schedule necessary NROTC courses and/or courses required for a degree/commissioning.

(vi) Refusal to accept commission.

(3) Disciplinary disenrollments become a matter of permanent Federal record and may prejudice the disenrollee for future military or civil employment, and may be disqualifying for future Federal security clearances which are often necessary for positions in private industry.

(4) The professor of naval science is responsible for ensuring that all relevant facts and evidence are fully and specifically set forth in such cases.

(5) The professor of naval science should consult with host institution authorities in such cases, give their recommendations due consideration, and keep them apprised of the pertinent facts and results.

(6) Appropriate college/university officials shall be notified of the final Navy disposition of all such cases and that disciplinary action may be taken independently by the educational institution without regard thereto. The professor of naval science will advise the Chief of Naval Education and Training of any such disciplinary action taken by the host institution.

(n) Disenrollment—inaptitude.

(1) The professor of naval science shall recommend disenrollment of any NROTC student who has demonstrated a lack of officer aptitude as to make his further retention unjustified.

(2) Inaptitude disenrollment recommendations are not limited to but may include any of the following:

(i) General lack of aptitude for commissioned naval service.

(ii) Unsatisfactory leadership qualities.

(iii) Unsatisfactory acceptance of responsibility.

(iv) Failure to complete "own request" disenrollment.

(o) Disenrollment—special reasons.

(1) NROTC students may apply, via the chain of command, for disenrollment for special reasons due to extraordinary hardship situations.

(2) Such hardship requests will be endorsed only after a personal and thorough investigation of the pertinent facts by the professor of naval science. Hardship disenrollments are considered to be an exception and will occur only in very unusual circumstances.

(3) Disenrollments for special reasons are not limited to but may include the following:

(i) Clear indications of probable inability to make an adequate adjustment to a military environment.

(ii) Impossibility of scheduling academic work and naval science courses (NROTC College Program students only).

(iii) Severe financial hardship.

(iv) Family illness that requires student withdrawal from school.

(v) NROTC College Program students who refuse to enlist in the Advanced Program.

(vi) Transfers to service academies or maritime institutions.

(vii) Request for release from advanced course in order to enlist in the Navy or Marine Corps. Senior year scholarship students would normally enlist for at least four years, and other advanced course students would normally enlist for at least three years in order to qualify for a special reason disenrollment.

(4) NROTC College Program students who elect not to continue to the advanced course will be disenrolled without prejudice (special reasons).

(5) A review board is necessary for cases involving special reasons disenrollment for reasons of hardship.

(6) Hardship cases require substantiation by the NROTC student's request for disenrollment, such as affidavits of other individuals who are aware of the circumstances (i.e., family doctor), review board findings, and the findings of the professor of naval science and his recommendations.

(p) Disenrollment-own request.

(1) The professor of naval science may disenroll at their own request any NROTC Scholarship or College Program student not enrolled in the advanced course.

(2) The professor of naval science may recommend disenrollment of NROTC Scholarship and College Program students in the advanced course who request separation from the program. Final determination will be made by the Secretary of the Navy in cases requiring an enlisted service obligation.

(3) NROTC students in the advanced course should be made fully aware of their probable call to active enlisted service.

(4) NROTC College Program students not desiring the advanced course should request an "own request" disenrollment.

(5) An NROTC Scholarship or College Program student whose disenrollment is pending or who would normally be disenrolled or recommended for disenrollment for the reasons specified in §§ 711.213(k) through 711.213(o), inclusive, of this section shall not be disenrolled at his "own request".

(q) Statements from students concerning disenrollment recommendations.

(1) A student being recommended for disenrollment for disciplinary reasons or because of inaptitude shall offer a signed statement in his own behalf concerning the circumstances which have resulted in the disenrollment recommendation.

(2) If the disenrollment recommendation is for disciplinary reasons due to the student's refusal to fulfill the provisions of his signed agreement with the Navy, the student's written statement should include an acknowledgement that he is aware of the obligations he assumed in his agreement with the Navy and, furthermore, that he understands that disenrollment for disciplinary reasons, as stated above, if effected, will be prejudicial to his interests if he should ever apply for a commission in the armed services and may be prejudicial toward obtaining civil employment.

(r) Disenrollment and discharge by secretarial action. The Secretary of the Navy may, when in the best interests of the service, release any person from the program and discharge him from Naval Service.

(s) Continuation as Naval Science students. Students disenrolled for other than disciplinary reasons or inaptitude before the end of an academic term may be authorized by the professor of naval science to complete the current term as naval science students.

(t) Active enlisted service obligations. NROTC students (advanced course) who refuse to accept their commissions or are determined to have willfully violated their agreements will normally be placed on active duty in an enlisted status. Students who have breached their contracts will not be ordered to active duty until they would normally complete their undergraduate degree requirements or disenroll from the institution, whichever occurs first. Disenrolled graduate stu-

dents will not be ordered to active duty until they would normally complete the academic year in which they are enrolled or are disenrolled from the institution, whichever occurs first. Scholarship or nonscholarship students who default during their junior or senior years and are ordered to active duty enlisted service will be required to serve for two years. Scholarship students who complete their junior and senior years but refuse to accept their commissions will be required to serve for four years. Scholarship students who default during their freshman or sophomore years will not incur an active duty enlisted commitment unless they were active duty enlisted personnel when selected for NROTC scholarships and were discharged early for the purpose of accepting the scholarship. These personnel will normally be ordered to active duty at the end of the school term in which they are disenrolled. Their service commitment will be as determined by the Secretary of the Navy. Also, active source students may have more than four years of service upon disenrollment as provided for by 10 U.S.C. 516. Normally, they are ordered to duty to complete the active duty obligation remaining of the initial enlistment.

(u) Processing of disenrollments. All disenrollments should be processed in accordance with the NROTC Student Personnel Administration Manual. The professor of naval science shall personally sign all disenrollment reports and recommendation for disenrollment, regardless of the reasons therefor. If due to the absence of the professor of naval science, the report must be signed by the executive officer. He shall sign as "Acting".

§ 711.214 Terminations of appointment.

(a) Except for College Program students in the basic course, the Chief of Naval Personnel will review disenrollment cases, and approve or disapprove the recommendation for disenrollment.

(b) Such disenrollment dates will be as designated by Chief of Naval Personnel.

(c) In the case of an NROTC Scholarship student whose disenrollment has been recommended, the Chief of Naval Personnel will normally recommend to the Secretary of the Navy that the appointment as Midshipman, USNR, be terminated. If approved by the Secretary the letter of termination of appointment will be prepared by the Chief of Naval Personnel.

(d) The Chief of Naval Personnel has been delegated authority by the Secretary of the Navy to process and direct disenrollments of a semi-routine nature (e.g., involuntary disenrollment by institution, the student has requested disenrollment, the student has been appointed to one of the service academies) as long as such cases do not involve an obligation for active enlisted service.

(e) Disenrollment of NROTC Scholarship or College Program students in the advanced course requires determination of involuntary active enlisted service as permitted under section 2105 or 2107, Title 10, United States Code. Such cases shall be reviewed by Chief of Naval Personnel and a recommendation made to the Secretary of the Navy for or against involuntary enlisted service.

(f) The Secretary of the Navy makes the final determination of involuntary enlisted service based upon recommendations from Chief of Naval Personnel, Chief of Naval Education and Training, and the professor of naval science.

§ 711.215 Commissioning procedure.

(a) Pre-commissioning documents will normally be submitted to the Chief of Naval Personnel via the Chief of Naval Education and Training prior to commissioning in accordance with the NROTC Student Personnel Administrative Manual.

(b) Scholarship or College Program NROTC students upon successful completion of the prescribed naval science courses, completion of summer cruise requirements, completion of their relevant degree requirements, and, if in all other respects qualified, will be commissioned as an ensign or second lieutenant, regular or reserve, in the Navy or Marine Corps, dependent upon the needs of the service, and subject to a review of the recommendation of the professor of naval science by the Chief of Naval Education and Training or Commandant of the Marine Corps, as appropriate, and final approval by the Secretary of the Navy. The professor of naval science is responsible for certifying that the midshipman is in all respects qualified for appointment. This certification shall include the midshipman's academic qualifications, aptitude for commissioned service (officer-like qualities), and general ability. Under no circumstance will a student who has not completed all requirements for commissioning be permitted to execute an oral or written acceptance and oath of office.

(c) Each year a limited number of Scholarship and College Program students are offered commissions in the Supply Corps and the Civil Engineering Corps, Regular Navy or Naval Reserve, in consonance with the needs of the service. The processing for commissions shall be in accordance with the current commissioning directives. Selections will be made by a board of officers convened for that purpose by the Chief of Naval Personnel. Any student not meeting the physical qualifications for unrestricted line will be considered for commissioning in the Supply Corps, the Civil Engineer Corps, or restricted line, if in other respects qualified. Completion of a course of study leading to at least a baccalaureate degree in engineering is required for a commission in the Civil Engineer Corps. Engineering fields of primary interest are:

Architecture
Architectural Engineering
Chemical Engineering
Civil Engineering
Construction Engineering
Electrical Engineering
Electronic Engineering
Mechanical Engineering
Mining Engineering
Nuclear Engineering
Petroleum Engineering

(d) Applicants for appointment to commissioned rank in the Navy or Marine Corps or the Naval or Marine Corps Reserve who have a claim pending for or who are drawing a pension, disability allowance, or disability compensation from the Government of the United States, are not eligible for appointment to commissioned rank in the Navy or Marine Corps or the Naval or Marine Corps Reserve, even though they may have been found physically qualified by a Board of Medical Examiners and the Chief of the Bureau of Medicine and Surgery for such appointment.

(e) The professor of naval science is authorized and directed to withhold the commission of any student who fails to fulfill all of the requirements for graduation and commissioning. In every case where the appointment and commission are withheld, the professor of naval science shall return the commission, NAVPERS 339 (Acceptance and Oath of Office) to Commander, Naval Recruiting Command, and the orders to the Chief of Naval Personnel. The Chief of Naval Education and Training will immediately be notified by letter indicating the reason therefor, and making appropriate recommendations concerning extension of the time allowed for completion of the requirements, placing the student in a leave status, or disenrollment of the student. CNET Report Symbol 1401-1.

§ 711.216 Commissioned status upon completion.

(a) NROTC Scholarship students, if in all other respects qualified, are commissioned in the Regular component of the Navy or the Marine Corps upon successful completion of the academic and military requirements of the Scholarship Program. They will serve as career officers in the Navy or the Marine Corps. Depending upon the needs of the service, resignations may be accepted after certain minimum periods of active duty (currently four years) as commissioned officers have been completed. Those who desire to terminate their Regular status upon acceptance of their resignations by the Secretary of the Navy may be appointed as Reserve officers in the Navy or Marine Corps, be released from active duty and will remain in that status pursuant to their agreement until their commissioned service totals a minimum of six years.

(b) NROTC College Program students, if in all respects qualified, are commissioned as Reserve Officers in the Navy or the Marine Corps upon successful completion of the academic and military requirements of the College Program. They are required to serve on active duty for a period as specified by the Secretary of the Navy (currently three years) and to retain their commissions for a total period of six years.

(c) In computing the basic pay for a commissioned officer, service as an NROTC midshipman or College Program student is NOT countable.

(d) A limited number of prospective commissioned officers may apply, and be selected, for continuation in certain academic programs after commissioning, in accordance with directives in effect at that time.

§ 711.217 Dates of rank and precedence upon appointment.

(a) The date of rank of officers appointed from the NROTC as ensigns in the Navy or Naval Reserve during May or June of any year will be the date of graduation of midshipmen from the Naval Academy in that year. The dates of rank of such officers appointed at any other time are the dates upon which they become fully qualified for appointment to commissioned grade. (See § 711.504 for information on dates of rank of officers appointed from the NROTC as second lieutenants in the Marine Corps or the Marine Corps Reserve.)

(b) Officers with the same dates of rank shall have interim precedence among themselves according to the alphabetical listings of their names until such time as their demonstrated performance at their educational institutions is computed, after which their precedence will be in accordance with such performance. Precedence assigned in accordance with demonstrated performance will be with due regard to whatever differences exist in methods of assigning grades among the various educational institutions at which the officers have been educated.

(c) In order to facilitate assignment of precedence in accordance with demonstrated performance, the Chief of Naval Personnel will, in January of each year, request specific performance data from each professor of naval science for NROTC students commissioned during the preceding calendar year.

§ 711.218 Noncreditability of reserve affiliation while a member of the NROTC program.

In accordance with the decisions of the Comptroller of the Navy, an officer may not be credited with enlisted service performed for the period during which he was enrolled in and a member of the NROTC Program.

Subpart C—Administration

§ 711.301 General policies.

(a) Supervision, control, and direction of the NROTC will be administered by the Secretary of the Navy through the Chief of Naval Education and Training who is given all necessary authority in the premises.

(b) Civilian heads of institutions have the same academic relationship with the department of naval science that they ordinarily have with other departments of the institution.

§ 711.302 Communications.

It shall be the responsibility of the professor of naval science to see that the information promulgated by regulations, manuals, instructions and notices is properly disseminated to college and university officials, as appropriate.

§ 711.303 Inspections.

(a) *Personnel.* Professors of naval science should conduct periodic inspections of attached personnel (military and NROTC students). The frequency of such inspections is left to the discretion of the professor of naval science.

(b) *Pre-cruise.* The professor of naval science should conduct pre-cruise ("sea bag") inspections to ensure that midshipmen going on cruise have in their possession all required uniforms and gear and that such uniforms and gear are in good condition. Such inspections should be a normal part of summer training briefing procedures.

(c) *Command*

(1) *Policy.* The Chief of Naval Education and Training will schedule and conduct command inspections of NROTC units in accordance with appropriate directives (OPNAVINST 5040.7F and CNETINST 5040.3 apply).

(2) *Purpose.* Command inspections will be conducted in order to achieve these purposes:

(i) Gather detailed information and data to assist the Chief of Naval Education and Training in evaluating the performance of NROTC units.

(ii) Assist units in identifying and clarifying problem areas.

(iii) Assist units in finding and applying solutions to identified problem areas.

(iv) Assist Chief of Naval Education and Training in identifying and solving system-wide problems that affect all units.

(v) Improve the standardization and correct application of NROTC administrative procedures.

(vi) Improving face-to-face awareness and involvement between Chief of Naval Education and Training and units in the field.

(vii) Improving the involvement and awareness of Chief of Naval Education and Training for host institutions and for the individual campus environments.

(3) *Inspection teams.* Chief inspectors and other members of inspection teams will be designated by the Chief of Naval Education and Training by letter. Command inspection teams shall normally be comprised of four members:

(i) Chief inspector.

(ii) Instructional area inspector.

(iii) Administrative area inspector.

(iv) Financial/logistical area inspector.

(4) *Concept.* Inspectors will examine all areas and functions of command in accordance with appropriate directives and with the assistance of an inspection guide. Personnel inspections will normally be conducted during command inspections unless Chief of Naval Education and Training specifically directs otherwise. Special command inspections will be directed by Chief of Naval Education and Training from time to time when and where the need arises.

(5) *Inspection schedules*—(i) *General.* The inspection schedule for each school year will be promulgated during the preceding summer.

(ii) *Specific.* Approximately one month prior to each inspection, the Chief of Naval Education and Training will designate, by letter, the chief inspector and other inspection party members. The chief inspector will make arrangements with the unit to be inspected as to date of inspection, composition of inspection party, and other pertinent data.

(6) *TAD funding for inspection party.* Prior to each scheduled inspection, accounting data will be provided by Chief of Naval Education and Training (Code N–121).

(7) *Reports.* Reports of inspections shall be prepared by the chief inspector and forwarded for review and approval of Chief of Naval Education and Training (Code N–1) within 30 days after completion of the inspection. Reports are to contain only items noting significant findings/recommendations to this headquarters. CNET Report Symbol 5040–2 applies.

(8) *Responsibilities*—(i) *Chief of Naval Education and Training.* (A) Schedule and conduct command inspections of NROTC units.

(B) Provide pre-inspection guidelines, as necessary, to units to be inspected.

(C) Supervise necessary follow-up action required on the basis of deficiencies noted by inspection parties.

(ii) *Chief Inspector.* Conduct command inspections of NROTC units as directed by Chief of Naval Education and Training.

(iii) *Unit Scheduled for Inspection.* (A) Prepare for inspection in accordance with the pre-inspection guidelines.

(B) Make arrangements for berthing, messing and local transportation for inspection party members, as required.

(C) Provide administrative and clerical support to the chief inspector.

(D) Ensure vigorous corrective action on deficiencies at the local level.

(E) Inform the Chief of Naval Education and Training (Code N–12) of corrective action taken and assistance required utilizing the Implementation Status Report; OPNAV Report Symbol 5040–1 applies.

(9) *Inspection Guide.* Chief of Naval Education and Training will promulgate the inspection guide, and changes to that guide, by letter to professors of naval science and heads, departments of naval science. Applicable commands will use the inspection guide as the definitive pre-inspection check-off list in order to prepare for inspection. Chief of Naval Education and Training will be responsible for keeping the inspection guide current with respect to administrative and policy changes and the directives of higher authority. Chief of Naval Education and Training will promulgate changes to the guide from time to time as the need arises.

§ 711.304 Review of accomplishments.

When warranted, a review of the efficiency of the NROTC program at each NROTC institution may be made by a committee appointed by the Secretary of the Navy, consisting of civilian educators and representatives of the Chief of Naval Education and Training and the Commandant of the Marine Corps.

§ 711.305 Officer and enlisted personnel.

(a) The detailing of officers and enlisted personnel for duty with NROTC units and relief therefrom is a function of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(b) The number of officers and enlisted men assigned to duty with NROTC units will be determined by the Chief of Naval Operations, based upon the exigencies of the Naval Service and the personnel requirements of the units.

(c) The institution normally will be notified by the Chief of Naval Personnel before any change of officer personnel is made. Only personnel acceptable to the institution will be ordered thereto.

(d) Reports of fitness of NROTC Commanding Officers. BUPERS Instruction 1611.12D series and Marine Corps Order 1610.7A establish procedures and reporting periods for all officers. To facilitate preparation of meaningful report of fitness for all commanding officers, and professors of naval science, the following items shall be submitted in sufficient time to reach the Chief of Naval Education and Training (Code N–12) at least 30 days prior to the end of the regular reporting period or planned detachment date:

(1) Naval Officers.

(i) One copy of the Appraisal Work Sheet (NAVPERS 1611/1(W) (6–73)) with blocks 1 through 13, 28, and 44 completed. For those officers who have reported since the last annual reporting date, ensure that block 28 includes dates of travel, proceed time, and leave taken in transit. Period of the report will commence from the date of the last report submitted.

(ii) A summary of performance during the reporting period including speaking engagements, significant TEMADD, extra-curricular and community activities, etc., which will aid in preparing the report of fitness. Include in the summary preferences for next sea/shore assignments. BUPERS Report Symbol 1611–2 applies.

(iii) Unless previously submitted, copies of commendatory letters received during the reporting period.

(2) Marine Corps Officers. A signed original and one copy of the USMC Fitness Report (1610) NAVMC 10835 (6–71) with Section A completed. The copy will be utilized as a worksheet. Also, a summary of performance, and copies of commendatory letters, as cited in §§ 731.305 (d) (1) (ii) and 711.305(d) (1) (iii).

(3) Statements of performance of professors of naval science will be requested from the heads of the institutions by this headquarters.

(e) Reports of fitness for NROTC Staff Officers. The provision of BUPERS Instruction 1611.12D and Marine Corps Order 1610.7A apply as appropriate for NROTC staff officers. Attention is invited to the submission of reports of fitness when a reporting senior is detached without a contact relief and his office is assumed by a temporary incumbent pending the arrival of his designated relief. This is particularly applicable to NROTC units where the commanding officers are normally detached at the end of the academic year and their reliefs report in August. In this regard, BUPERSINST 1611.12D provides for a period of 60 days which may be included in the next regularly due report or the previous report. This does not, however, preclude the "acting commanding officer" from submitting fitness reports on other staff officers when he is relieved if he desires to do so or if the commanding officer upon reporting does not desire to report upon the period during which the "acting commanding officer" served. The "acting commanding officer" shall submit any report of fitness required upon the detachment of an officer assigned to his staff during the preiod he is acting.

(f) Biography sheets and photographs. Upon reporting for duty, each commanding officer and executive officer (both USN and USMC officers) shall submit biographical background information and a 4 by 6 inch black and white photograph (Record portraits) to the Chief of Naval Education and Training (N–12). CNET Report Symbol 1070–1 applies.

§ 711.306 Head of the Department of Naval Science.

(a) The head of the department of naval science at an educational institution where a unit of the NROTC is established is the officer ordered by the Chief of Naval Personnel or the Commandant of the Marine Corps as commanding officer of the NROTC unit with additional duty as professor of naval science. He shall be the senior commissioned line officer of the Navy or Marine Corps ordered to duty with the NROTC unit at that institution. He shall be designated as commanding officer of the NROTC unit and professor of naval science.

(b) He will receive the academic rank of professor, and he will have the academic standing which the institution accords the heads of its other major departments. He will be a member of the university or college faculty with the appropriate rights and privileges of a faculty member except those pertaining to tenure and financial benefits.

(c) He shall be responsible for carrying out policies relative to the administration of the NROTC in the unit under his command. He is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the NROTC unit maintained at the institution.

(d) At those NROTC institutions where officer students are undertaking graduate courses under the general supervision of the U.S. Naval Postgraduate School, the professor of naval science, as their commanding officer shall conduct administrative affairs in connection with their military supervision and conduct. The Superintendent of the Postgraduate School will exercise, through the professor of naval science, supervision over educational matters pertaining to such student officers.

(e) The professor of naval science is the commanding officer of all naval service personnel ordered to the institution for duty under instruction.

(f) NROTC unit commanding officers are authorized to approve their own leave authorizations. However, advance notice of any absence should be given to the Chief of Naval Education and Training (N–12) by correspondence.

§ 711.307 Duties and status of additional officers and of enlisted personnel.

(a) Officers and enlisted personnel ordered to report to the commanding officer of the NROTC unit for duty at that educational institution shall perform such duties as may be assigned them by the commanding officer.

(b) In order that the maximum coordination possible may be achieved between the naval science and other academic departments, it is desired that the officers assigned to the staff of the professor of naval science be made members of the university or college faculty in appropriate ranks and be accorded the rights and privileges of faculty members. As such, it is desired that the professor of naval science encourage the institutional authorities, when appropriate, to use these officers on special faculty committees in order that their services may be utilized in the same manner as are the services of all other faculty members. It is further desired that all NROTC staff members accept invitations which may be extended them to join special college faculties within the university and joint faculty clubs or societies and faculty-student organizations.

§ 711.308 Residence and uniform of officers and enlisted personnel.

Officers and enlisted personnel performing duty with NROTC units shall, when practicable, reside at or near the educational institution in which the unit to which they are assigned is established. In the performance of their duties they shall wear the uniform prescribed by the professor of naval science, or senior naval officer present.

§ 711.309 Acceptance by NROTC staff members of payments or other benefits offered by an institution.

(a) An NROTC staff member may accept only the following payments or other benefits from an institution:

(1) Reasonable compensation or other benefits specifically for services that are rendered the institution other than during the duty hours of the military staff members of the NROTC unit (such as conducting courses of instruction in other departments, acting as a coach for an athletic team, etc.), provided that services are not part of the member's regularly assigned military duties, do not interfere with the full and effective performance of official military duties, do not bring discredit upon the Government, and do not interfere with the cus-

tomary or regular employment of local civilians in their art, trade, or profession. Duty hours for individual staff members of an NROTC unit may not vary from the duty hours of the unit simply to permit them to qualify for compensation for services rendered to an institution during the duty hours of the NROTC unit. Such activity should be subject to the concurrence of the professor of naval science and should be conducive to closer liaison with the institution. Further, such activity must not constitute a violation of conflict of interest statutes or other penal, prohibitory, or restrictive provision of either Federal or local law. In no case will the teaching of an academic course or provision of other service be considered sufficient reason for modification of orders.

(2) Housing, if a reasonable rental is paid therefor. If housing is accepted by a member from an institution at other than a reasonable rental, as for example, without charge, the housing will be considered as furnished on behalf of the United States and the member will not be entitled to a basic allowance for quarters.

(3) Reimbursement by the institution for expenses incurred by the member for services that he performed at the request of the institution and, although clearly beyond the scope of his regularly assigned military duties, that he might have been expected to perform by virtue of his position, such as hosting a social function for visiting dignitaries or conducting an off-campus workshop for faculty or students. Itemized bills for these expenses must be presented to the institution. Whenever practicable, however, arrangements should be made for the institution to be billed for these expenses so that they may be paid directly by the institution. Under no circumstances may a commuted or fixed allowance be accepted from the institution for the purpose of meeting these expenses.

(4) Enrollment in courses by the member or any member of his immediate family; tickets to school or school sponsored activities; parking privileges; books and other supplies and materials from the institutions book store; and library privileges, either without charge or at a reduced rate if offered on the same basis to civilian members of the staff or faculty of the institution.

(b) Professors of naval science may take a course of instruction conducted by an educational institution upon approval of the Chief of Naval Education and Training. Professors of naval science may authorize officers and enlisted personnel under their command to take courses of instruction at institutions. Such authorizations shall not interfere with the proper discharge of naval duties, which duties at all times shall be considered paramount, and shall not be granted where the taking of any course might foreseeably place an officer or enlisted person in an untenable position in carrying out naval duties.

(c) Enrollment in courses of study at the institution shall be subject to the regulations of the institution and with the consent of the authorities of the institution.

§ 711.310 Student identification cards.

(a) All NROTC Scholarship Program and College Program students in the advanced course shall be issued the Armed Forces Identification Card, DD Form 2N (Reserve).

(b) College Program students in the basic course shall be issued the Uniformed Services Identification and Privilege Card, DD Form 1173. Since the card is for identification purposes only, all privileges are to be blocked out.

(c) NROTC students who are eligible in their own right for a Uniformed Services Identification and Privilege Card as dependents of members of the uniformed services, will be issued also DD Form 1173 extending appropriate privileges in accordance with BUPERS Instruction 1750.5D.

§ 711.311 Recreation funds.

(a) Expenditures from Navy Recreation Funds are restricted to the benefits of personnel on active duty, and, at certain isolated stations, civilian employees and dependents when specifically authorized by the Chief of Naval Personnel. NROTC students are, therefore, prohibited from participating in such funds.

(b) NROTC units may maintain a recreation fund for active duty personnel only. The administration of that fund shall be in accordance with current regulations governing Navy Recreation Funds.

(c) The establishment of NROTC Student Recreation Funds is authorized. Such a fund, however, must be obtained from local sources and separated at all times from the NROTC Unit Recreation Fund. No report of an NROTC Student Recreation Fund need be made to the Chief of Naval Personnel.

§ 711.312 Armed Forces Day observance.

The professor of naval science shall cooperate, insofar as possible, with the naval district commandants and university authorities in the observance of Armed Forces Day, in accordance with the instructions issued annually by the Secretary of Defense.

§ 711.313 NROTC unit newspaper advertising.

(a) Many NROTC units desire to publish a unit newspaper. The Department of the Navy Regulations and Printing Regulations require that no Navy publication or printed matter, prepared or produced with either appropriated or non-appropriated funds or identified with any activity of the Department of the Navy, shall contain any advertisement inserted by or for any private individual, firm or corporation; or contain material which implies in any manner that the Department of the Navy endorses or favors any specific commercial product, commodity, or service, except under the provisions noted below.

(b) If it is desired to carry commercial advertising in an NROTC unit newspaper, the following disclaimer, which has been approved by the Joint Congressional Committee on Printing, should appear on each copy:

> Published by the A.B. Cee Publication Co., a private firm, in no way connected with the Department of the Navy. Opinions expressed by the publishers and writers herein are their own and are not to be considered an official expression of the Department of the Navy. The appearance of advertisements in this publication does not constitute an endorsement by the Department of the Navy of the firms, products or services advertised.

§ 711.314 Report of death or injury.

Reporting procedures in event of the death or injury of an NROTC student are not currently provided for in the Bureau of Naval Personnel Manual except for those circumstances where the student is deemed to have served on active duty as a member of the Navy.

(a) A member of the NROTC who is injured or dies from injury in line of duty while performing authorized travel to, from or while attending cruise, practice cruise, training period or engaged in flight instruction is treated as a member of the Navy concerning reporting and casualty assistance procedures. (Paragraph 4210100 of the BUPERS Manual refers.) Include the Chief of Naval Education and Training (N–12) for all such death and injury reports. BUPERS Report Symbol 1770–1 applies.

(b) Member of the Navy status also applies in the case of the death of an NROTC student who dies within 120 days of active service (as defined in BUPERS Manual paragraph 4210100, 2h).

(c) Reporting the death of an NROTC student that occurs while not in duty status (i.e., not enroute to, from or participating in active duty training, etc.) will be accomplished by the submission of a disenrollment report to the Chief of Naval Education and Training.

(d) When reporting the death or injury of an NROTC student, provide branch of service (Scholarship NROTC or College NROTC) and length of duty to which called or ordered if death (injury) occurs while acting as a member of the Navy.

(e) Regardless of the Navy duty status of a deceased NROTC student, the NROTC unit concerned should contact the next of kin and provide assistance as appropriate.

§ 711.315 Report control symbols and forms.

(a) *Report Control Symbols.* Control symbols for reports required by this instruction are listed below:

Report	Section reference	Report control symbol
(1) Report of waiver of age, NROTC college program	711.204(c)	CNET 1533-33.
(2) Report concerning student status "Not Physically Qualified".	711.206(a)(3), 711.206(e), 711.212 (e)(3), 711.213(k)(1).	CNET 6120-1.
(3) Placement on/removal from probationary status	711.211(d), 711.212(c)(6)	CNET 1533-34.
(4) Placement on/removal from leave of absence	711.212 (c)(6), (h)(4)	CNET 1050-1 (med.), CNET 1050-2 (other).
(5) Inaptitude leave of absence recommendation	711.212(f)(4)	CNET 1533-22.
(6) Student disenrollment report	711.209 (b)(4), (c); 711.213 (g), (j), (l)-(p)	CNET 1533-22.
(7) Withholding of appointment and commission	711.215(e)	CNET 1401-1.
(8) Inspection report of NROTC unit	711.303(c)(7)	CNET 5040-2.
(9) Implementation status	711.303(c)(8)(iii)(E)	OPNAV 5040-1.
(10) PNS performance summary	711.305(d) (1), (2)	BUPERS 1611-2.
(11) Biography and photograph of CO/XO	711.305(f)	CNET 1070-1.
(12) Report of death or injury	711.314, 711.407(c)(9)	BUPERS 1770-1.
(13) Institutional policy regarding NROTC curriculum, degree credit, and schedule and standards.	711.402 (a)(4), (c); 711.406(d)	CNET 1550-2.
(14) Annual FIP enrollment report	711.407(f)(1)	CNET 1533-1.
(15) Annual FIP projection report	711.407(f)(2)	CNET 1533-2.
(16) Report of FIP contract costs	711.407(f)(3)	CNET 1533-3.
(17) Completion of the FIP for NROTC student	711.407(f)(4)	CNET 1533-4.
(18) Request for waiver/postponement of summer training.	711.409 (b), (h)	CNET 1533-35.
(19) Reports to parent institution	711.410	CNET 1533-36.
(20) Midshipmen aptitude reports	711.416(c)	CNET 1533-37.
(21) Report of grades and aptitude for final multiple computation.	711.417(k)	BUPERS (1533).
(22) Recommendation for disenrollment of nonimmigrant alien.	711.604(c) (4), (5)	CNET 4950-1.
(23) List of names, country, school, and enrollment status of alien NROTC students.	711.605	DD-M(A),709(1533).
(24) AFCEA scholarship award nomination	711.704(b)(1)(iii)	CNET 1650-1.
(25) Report of nonrecovery/nonrestitution of uniform clothing and insignia.	711.916(d)	CNET 1020-1.
(26) Report on protective measures	711.1002(d)	CNET 5040-2.
(27) Annual inventory of books	711.1004(a), 711.1007(b)	CNET 1550-3.

(b) *Forms.* Forms cited in this instruction and their availability are listed below:

Form title/use	Form No.	Availability
(1) Report of medical examination	SF 88	Normal supply channels.
(2) Report of medical history	SF 93	Do.
(3) Annual certificate of physical condition	NAVMED 6120/3	Do.
(4) Health record	DD 722, DD 722-1 (dental)	Do.
(5) NROTC student disenrollment report	NAVPERS 1533/12 or 364	Do.
(6) Request for leave of absence from NROTC program.	NAVPERS 579	Do.
(7) Military pay order	NAVCOMPT 3060 or 3061	Do.
(8) Acceptance and oath of office	NAVPERS 1000/21	Do.
(9) Implementation status report	OPNAV 5040/2	Do.
(10) Appraisal work sheet	NAVPERS 1611/1(W)	Do.
(11) USMC fitness report (1610)	NAVMC 10835	Do.
(12) Armed Forces identification card	DD 2N (Reserve)	Do.
(13) Uniformed services identification and privilege card.	DD 1173	Do.
(14) Delivery order	DD 1155	Do.
(15) FIP invoice	CNET 1533/4	CNET, code N-12.
(16) FIP contract	SF 26	Normal supply channels.
(17) Contract of understanding (foreign student)	NAVPERS 1110/14	Do.
(18) Record of emergency data	NAVPERS 1070/602	Do.
(19) Annual inventory of books	CNETS 1552/1	CNETS via the program development center, code ETM2.

Subpart D—Instruction

§ 711.401 General.

The instructional program for the Naval Reserve Officers' Training Corps (NROTC) is specified by the Chief of Naval Education and Training and is designed to prepare selected students for commissioned service as regular or reserve officers in the Navy or Marine Corps.

§ 711.402 Professor of Naval Science and Head of Department of Naval Science.

(a) *Authority and role in the university.*

(1) In recognition of the differences in students, including their varying goals and fields of study, as well as the variations in programs within the departments of a given university and among universities, a single standard program of study is neither feasible nor desirable. Consequently, the delegation of authority to the professor of naval science is essential if the most effective program of study is to be realized at each university.

(2) Each professor of naval science is expected to function as an academic department head in fact as well as in name. In this capacity, he will perform duties and render decisions within the general scope of the NROTC curriculum without referring each decision to the Chief of Naval Education and Training.

(3) The Navy desires that civilian faculty members wherever possible teach the required courses in military affairs and national security policy and that these be university catalog courses.

(4) Obviously, catalog courses will be at some variance with the syllabi supplied by the Chief of Naval Education and Training. The professor of naval science should normally make the decision as to how much variance is permissible within the overall framework of the Navy's objectives for these courses. In the event that variations are considered to be too great, or that the university does not have or desire to teach such courses, the relevant facts will be reported to the Chief of Naval Education and Training. Other significant variations from the prescribed curriculum should also be reported to the Chief of Naval Education and Training. CNET Report Symbol 1550-2 applies.

(5) The professor of naval science is expected to structure a program of studies for each student that will satisfy the Navy's specified courses as well as the university's degree requirements. A check-off system will be maintained for each student showing dates of completion of each requirement. Satisfaction of both the university requirements for a baccalaureate degree and Navy requirements will constitute the basis of certification for tender of a commission.

(b) *Course validation.* To preclude loss of time in Navy specified courses (such as calculus, physics, or computer science) in which students are already qualified, arrangements for validation of such courses should be made with the appropriate university officials. For Navy specified courses which are also essential to the baccalaureate degree requirements, any validation of courses by individuals will be on terms mutually agreeable to the university and the professor of naval science. For Navy specified courses which are not a part of the baccalaureate degree program of the university, validation for commissioning purposes may be granted by the Navy regardless of whether or not the university grants credit in validation. The individual student check-off list should be used to record validated courses. Only in rare cases would it be likely that a student could validate a naval professional academic course. The naval professional training laboratory periods and seminars are not subject to validation except for transferees from other officer training programs.

(c) *Credit status policy.* Each student shall be granted some credit towards his degree for naval professional academic courses. This should not be construed as a requirement that degree credit be granted for each naval professional academic course completed. Each professor of naval science shall attempt to obtain the most favorable credit status possible for naval professional academic courses and other courses specified by the Navy. The Chief of Naval Education and Training shall be informed of any credit policy employed by a university which precludes meaningful and substantial degree credit for naval professional academic courses. Regardless of the amount of credit, grades for naval professional academic courses shall appear on student transcripts.

§ 711.403 Advanced standing.

(a) NROTC Scholarship Program students entering the program with prior college credit, who cannot qualify for advanced standing in naval science, may be continued in college to complete the naval science requirements. The period

of college during which a subsistence allowance and other benefits of NROTC Scholarship Program students may be received, will be a maximum of twenty months during the basic course and twenty months during the advanced course.

(b) Students with prior college credit desiring to enter the four-year NROTC College Program may be enrolled only if they will be able to complete all naval science requirements not later than the date upon which they will be academically eligible to receive their first baccalaureate degree. Students in the second year of college or in the third year of a five-year course should be enrolled in the two-year NROTC College Program.

(c) NROTC students will not be permitted to enroll in graduate curricula unless the first baccalaureate degree will be received simultaneously with or before completion of naval science requirements. If graduate work is authorized, graduate study and naval science requirements must be completed simultaneously, except for completion of a summer training requirement.

§ 711.405 Academic majors.

(a) *Scholarship program.*

(1) Students in the NROTC Scholarship Program shall be encouraged to pursue majors in the engineering and hard science fields of study to meet the technological requirements of the Navy—hard science being defined to include mathematics, chemistry, and physics. Other fields of study for majors leading to a first baccalauerate degree are permitted with the approval of the professor of naval science. In this regard, the professor of naval science shall limit study in fields other than engineering and hard sciences to less than four percent of any class and shall preclude majors in fields having no direct applicability for the unrestricted line. Because of changing terminology for academic fields of study, it is not practical to provide a complete list of majors not authorized. Typical of majors not to be authorized are:

Agronomy
Animal Husbandry
Animal Science
Anthropology
Art
Dairy Husbandry
Dairy Manufacturing
Dairy Production
Dramatics
Entomology
Floriculture
Forestry
General Agriculture
Horticulture
Landscape Architecture
Music
Nursing
Pharmacy
Physical Education
Predental
Premedicine
Pretheological
Preveterinary Medicine
Real Estate
Soil Conservation
Soils
Theology
Veterinary Medicine
Wildlife Management

(2) NROTC Scholarship students who do not major in engineering and science fields should be counseled to select electives in those fields to the extent that the individual programs will permit. Completion of one year of calculus and physics is required of all NROTC Scholarship students unless waived by the Chief of Naval Education and Training upon the recommendation of professors of naval science because of unusual circumstances.

(b) *College program.* There are no restrictions placed upon College Program students as to academic majors. Nevertheless, the professor of naval science shall carefully screen their proposed academic programs and guide them in their choice of both academic majors and electives. Particularly, he should point out the vital need of basic mathematics and science in the modern world regardless of the specific field in which the student decides to major. Also, students should be counseled on the importance of having an engineering or science major when competing for a professor of naval science nomination to Scholarship status.

§ 711.406 NROTC academic program.

(a) *General.* Scholarship and College Program students are required to complete the academic program as outlined in this instruction. The program consists of six parts as follows:

(1) The academic major field of study.
(2) Navy specified college courses.
(3) Naval professional academic courses.
(4) Naval professional academic courses for Marine Corps option students.
(5) Naval professional training.
(6) The summer training programs.

(b) *Students entering via naval science institutes.* The requirements for naval professional academic courses, naval professional training and the summer training program scheduled for academic years completed by NROTC applicants prior to their appointment to the advanced program shall be considered satisfied by successful completion of a naval science institute.

(c) *Women in the NROTC.* Women in the NROTC program will take the curriculum prescribed for men students. The summer training program for women in the NROTC will be conducted at shore activities except for short orientation cruises in ships.

(d) *Required courses and schedule.* The following courses are required for NROTC students as modified by the accompanying notes. These courses may be in addition to requirements as prescribed by the college/university for the various academic majors. The schedule and credit minimums should be adhered to as closely as feasible with realization that some concessions may be required depending on the academic policies of the various colleges and universities. Professors of naval science will notify the Chief of Naval Education and Training of all significant departures from the prescribed schedule and standards and the reasons therefore. CNET Report Symbol 1550–2 applies.

1.—*Navy specified college courses taught by civilian faculty*

Title	Academic year taken	Minimum semester hours
Calculus (differential and integral).	Freshman/Sophomore.	6
Physics	do	6
Computer science[1]	Student/university option.	3
American military affairs (history)[1].	do	3
National security policy (political science)[1].	do	3

[1] Waivers may be granted for 2-year college program students with heavy academic loads.

(i) Marine Corps option students are not required to take courses in calculus, physics or computer science; however, they should be encouraged to do so. Marine Corps option students are required to take courses in American military affairs and national security policy.

(ii) NROTC College Program students are not required to take courses in calculus, physics or computer science; however, they should be strongly encouraged to do so. Completion of these courses will weigh heavily in the awarding of professor of naval science scholarships. Navy College Program students are required to take courses in American military affairs and national security policy.

(2) *Naval professional academic courses taught by the Navy faculty*

Title	Academic year normally taken
Introduction to naval science	Freshman.
Naval ships systems I	Do.
Naval ships systems II	Sophomore.
Seapower and maritime affairs	Do.
Navigation and naval operations I	Junior.
Navigation and naval operations II	Do.
Principles of naval organization and management	Senior.
The junior naval officer	Do.

(i) The above naval professional academic courses taught by the Navy faculty provide for continuing face-to-face contact between the student and a naval officer throughout the four year program. Order of presentation and deviations can be made at the discretion of the professor of naval science as necessary to conform to situations at his host institution. For example, some of the material covered in the Junior Navy Officer course may be included in the weekly drill/lab schedule and Introduction to Naval Science can be integrated into Naval Ships Systems I.

(ii) The courses indicated for juniors and seniors above are not required for Marine Corps option students.

(3) *Naval professional academic courses for Marine Corps option students taught by Marine Corps option instructor*

Title	Academic year normally taken
Evolution of warfare	Junior.
Amphibious warfare	Senior.

(i) The above courses will be completed by Marine Corps option students in lieu of the naval professional academic courses specified for the junior and senior years.

(ii) Marine Corps option students must take during the junior and senior years two relevant courses taught by civilian faculty. These courses are selected from areas of study promulgated by the Commandant, U.S. Marine Corps, and approved by the Marine Corps option instructor.

(4) *Naval professional training taught by the naval faculty*

Title	Academic year taken
Navy drills, labs, ceremonies and information briefing.	All 4 years.
Navigation laboratory	Junior.

(5) *Summer training programs*—(i) *First summer.* At-sea indoctrination training. (All Scholarship Program students. College Program students who volunteer, provided billets are available.)

(ii) *Second summer.* Warfare specialty training. (All Scholarship Program students. College program students who volunteer, provided billets are available.)

(iii) *Third summer.* (A) At-sea training (Scholarship and College Program students less Marine options.)

(B) Marine Corps NROTC Training (BULLDOG). (Marine Corps Option Students.)

(iv) *Women students.* Program as promulgated separately.

NOTE.—See § 711.409 for additional information.

(e) *Course descriptions*—(1) *Calculus.* Coordinate geometry, limits, derivatives of algebraic functions, introduction to integration, analytic geometry, polar coordinates, differentiation of transcendental functions, methods of integration.

(2) *Physics (general).* Forces, motion, energy, wave motion, temperature, laws of thermodynamics, states of matter, electric charges, force potential, electric current, EMF, magnetic fields and refraction of light, optical instruments, atomic physics. Laboratories as prescribed by the university.

(3) *Computer science.* Functions and limitations of modern computers; scientific mathematical, business, industrial and/or military applications of computers; basic principles of operation of modern computers. This requirement can be fulfilled either by experience in courses which require the student to be exposed to the use of computers in problem solving, or through university courses related specifically to the subject of computers.

(4) *American military affairs (history).* This course is an introductory survey of military affairs in the United States from the American Revolution to the present. Using the American military experience chronologically arranged as a framework, this course describes the transformation from the limited wars of the eighteenth century to the total wars of this century, and the brush-fire wars of the last two decades.

(5) *National security policy (political science).* This course deals with the formulation and implementation of American security policy. American military history is analyzed briefly to determine the factors bearing on the development of the defense structure of the United States. The method used to formulate the national security is studied, as is the role of each governmental component concerned with security affairs. The elements of national power are reviewed.

(6) *Introduction to naval science.* A general introduction to seapower and the naval service. The instruction places particular emphasis on the mission, organization, regulations, and broad warfare components of the Navy. Included is an overview of officer and enlisted rank and rating structures, procurement and recruitment, training and education, promotion and advancement, and retirement policies. This course also covers the basic tenets of naval courtesy and customs, discipline, naval leadership and ship's nomenclature. The student is made cognizant of the major challenges facing todays Naval officer especially in the areas of equal opportunity and drug/alcohol abuse.

(7) *Naval Ships Systems I.* A course designed to familiarize students with the types, structure and purpose of naval ships. Ship compartmentation, propulsion systems, auxiliary power systems, interior communications, and ship control are included. Elements of ship design to achieve safe operations, and ship stability characteristics are examined.

(8) *Naval Ships Systems II.* This course provides an introduction to the theory and principles of operation of naval weapons systems. It includes coverage of types of weapons and fire control systems, capabilities and limitations, theory of target acquisition, identification and tracking, trajectory principles, and basics of naval ordnance.

(9) *Seapower and maritime affairs.* A course or seminar based on the premise that the student must develop his knowledge and interest in seapower and maritime affairs. This course is oriented towards the general concept of seapower (including the merchant marine), the role of various warfare components of the Navy in supporting the Navy's mission, the implementation of seapower as an instrument of national policy, and a comparative study of U.S. and Soviet naval strategies.

(10) *Navigation and naval operations I and II.* A comprehensive study of the theory, principles and procedures of ship navigation, movements and employment. Navigation topics include mathematical analysis, spherical triangulation and practical work involving sight reduction, sextants, publications, and report logs. Operations topics include communications, sonar-radar search and screening theory. Tactical formations and dispositions, relative motion, maneuvering board and tactical plots are analyzed for force effectiveness and unity. Rules of the road, lights, signals and navigational aids, including inertial systems, are also covered.

(11) *Principles of naval organization and management.* An introduction to the structure and principles of naval organization and management. Naval organization and management practices and the concepts that lie behind them are examined within the context of American social and industrial organizations and practices. This includes lines of command and control, organization for logistics, service and support, functions and services of major components of the Navy and Marine Corps, and shipboard organization. Emphasis is placed on management and leadership functions.

(12) *The junior naval officer.* This course gives the student a basic background in the duties and responsibilities of a junior division and watch officer. It places strong emphasis on the junior officer's responsibilities in the area of training, counseling and career development. The student becomes familiar with equal opportunity programs, the exemption program and drug/alcohol rehabilitation programs. Principles of leadership are reinforced through leadership case studies.

(13) *Navy drills, ceremonies and information briefings.* To teach basic military formations, movements, commands, courtesies and honors, and provide practice in unit leadership. Drill, personnel inspections, lectures, and discussions will be scheduled.

(14) *The evolution of warfare.* The purpose of this course is to explore the form of warfare employed by great people in history in order to formulate the sense of historical flow or continuity in the evolution of warfare, to develop a basic sense of strategy, to demonstrate alternative military actions and to explore the impact of historical precedent on military thought and actions as practiced by the great leaders and military organizations.

(15) *Amphibious warfare.* To define the concept of amphibious warfar, explore its doctrinal origins, and to trace its evolutions as an element of naval policy during the 20th Century.

§ 711.407 Flight instruction program (FIP).

(a) *Concept.* Section 2110, Title 10, United States Code, provides for flight instruction of members of the NROTC. Commanding officers of NROTC units may conduct a program of flight instruction during each academic year for eligible members of their units. The primary purpose of FIP is to motivate NROTC students to the extent that they will apply for Navy flight training. A secondary but important purpose is to eliminate from further flight training those students who are not aeronautically adaptable. This program provides a relatively inexpensive means of accomplishing this purpose. Some students may attain FAA pilot licenses during participation in FIP; however, attainment of the license is not a primary objective of the program.

(b) *Enrollment criteria.* To be enrolled in FIP, a student must:

(1) Be a Scholarship or College Program student in good standing.

(2) Have completed the sophomore year.

(3) Request enrollment in FIP.

(4) Have passed the Navy flight (pilot) physical examination.

(5) Be scheduled for Navy unrestricted line or Marine Corps option commissions.

(6) Have attained not less than a score of 3 on the Academic Qualification Test (AQT) and the Flight Aptitude Rating (FAR) examination.

(7) Not have been separated from the FIP previously for failure to qualify in flight, or ground instruction.

(8) Not already hold a private pilot's license.

(c) *Description of the Program.*

(1) The FIP is based essentially on Federal Aviation Administration Regulations, Part 141, and consists of ground, dual flight, and solo instruction. Aircraft used shall be of not less than 65 nor more than 200 horsepower. A FIP student may receive not more than 50 hours of ground instruction and 40 hours of flight instruction. Flight instruction is conducted by flying schools (commercial or college affiliated) approved and certified by the Federal Aviation Agency (FAA). Flight instructors must also be FAA approved and licensed. Instruction in the FIP shall be conducted on a schedule which will not conflict with the student's academic program nor alter in any manner the schedules or curricula for naval science courses.

(2) In cases where the Commanding Officer deems it advisable, and if approved by the educational institution concerned, a naval aviator assigned to the NROTC unit may conduct the required ground instruction. Such instruction shall be in accordance with FAA regulations. The Chief of Naval Education and Training (Code N–12) shall be informed, at least six months prior to commencement of the academic year, if this procedure is to be used.

(3) The FIP is divided into two phases—Abbreviated Phase and Pilot Phase. The Abbreviated Phase consists of 15 hours of flight instruction. The Pilot Phase consists of additional flight instruction to a maximum of 40 hours. Not more than 25 hours of the 40 hours for any student shall be dual flight instruction unless specifically authorized by CNET (Code N–12). Ground instruction may be included in both phases.

(4) To receive more than 15 hours of flight instruction, a student must solo with 15 hours of flight, request entry into the Pilot Phase and express high motivation for applying for Navy flight training upon commissioning. The student's motivation, flight proficiency, and performance in the NROTC academic program, including naval science courses, shall be considered by the commanding officer in deciding whether to approve the request.

(5) For purposes of reporting FIP completions, "satisfactory completion of FIP" is defined as 15 hours of flight (completion of the Abbreviated Phase).

(6) NROTC educational institutions may award credit for the FIP; however, there is no requirement that they do so.

(7) The commanding officer shall ensure that college and university officials are in agreement with flight instruction schedules for individual students.

(8) Any student who disenrolls from the NROTC program shall be disenrolled from the FIP immediately. FIP enrollments shall not be extended beyond graduation and commissioning.

(9) An incident resulting in injury or death of a FIP student shall be reported immediately to the Chief of Naval Education and Training (Code N–12) and in accordance with existing regulations; BUPERS Report Symbol 1770–1 applies (BUPERS Manual Article 4210100 refers).

(d) *Program Administration.*

(1) The FIP is administered by CNET who is the program sponsor and funding authority. All O&MN funds for the program will be allocated by contract with flying schools. Dollar amounts in each contract will be proportionate to planned FIP enrollment.

(2) The Chief of Naval Education and Training through a designated Navy contracting officer will arrange for contracts with university or commercial FAA certified flying schools on an annual basis. Every effort will be made to ensure that competitive bidding leads to a contract with a fully responsible and qualified flight school. Indefinite quantity contracts will be used to permit the Navy to order services and supplies as necessary to support enrolled students up to the amount specified in the contract. For all FIP contracts, CNET will provide instructions to NROTC units at the beginning of each fiscal year which will set limits on students and permissible expenditures. These limits will usually be lower than those included in the contract. This is necessary in that contract prices are based on unrefined data on student participation and in general tend to be higher than the actual student enrollment. Under current contract procedures, the maximum cost estimate in the contract cannot be exceeded without formal amendment. Each participating NROTC unit will be furnished a copy of the FIP contract upon award.

(3) The NROTC unit commanding officer may schedule and otherwise arrange for delivery of supplies and services under the contract directly with the contractor. There is no requirement for issuance of formal delivery orders (DD Form 1155) to the contractor. Should the contractor request written instructions relating to delivery of supplies and services, the commanding officer should provide appropriate memoranda or letters clarifying as necessary. Such memoranda or letters will not supersede the contract terms.

(4) The following items are normally included in FIP contracts:

(i) The maximum number of students to be trained.

(ii) The maximum number of dual instruction hours.

(iii) The maximum number of solo instruction hours.

(iv) The maximum number of ground instruction hours.

(v) Rates per hour and total maximum prices for dual, solo, and ground instruction.

(vi) Provision for payment for ground transportation for students (either contractor furnished or student reimbursed by contractor on a mileage basis).

(vii) Provision for payment for FCC Radio-Telephone Operator permits.

(viii) State student license fees where applicable.

(ix) Fees for FAA examiner's check ride.

(x) Total maximum contract price.

(5) In the case of all commercial flying schools, texts and aids procured under the FIP contracts are the property of the U.S. Government and shall be turned in by students to the NROTC unit commanding officer for issuance in subsequent years where possible. In the case of FIP contracts with NROTC educational institutions maintaining flying schools, the terms of the contract in each case shall be referred to for purpose of determining whether or not aids and texts become the property of the Government. Fees for private pilot licenses shall be the financial responsibility of the student.

(6) Invoicing procedures. Invoicing procedures are described in § 711.407(g).

(e) *Responsibilities* — (1) *Chief of Naval Education and Training.* (i) Fund the program.

(ii) Administer the program including design and implementation of procedure and controls.

(iii) Arrange for FIP contracts.

(2) *Commanding Officers, NROTC units.* (i) Exercise direct supervision over students participating in the program.

(ii) Determine which students (volunteers) may enter Abbreviated and Pilot Phases.

(iii) Inform students of benefits under the Federal Employees Compensation Act relating to death or disability incurred while engaged in flight instruction.

(iv) Monitor flight and ground instruction and student progress to ensure compliance with contract terms.

(v) Maintain liaison with local FAA officials to the extent necessary to guarantee high quality instruction.

(vi) Arrange for flight physical examinations (Pilot standards) for FIP volunteers (normally at NAS, Corpus Christi, during second class cruise).

(vii) Arrange for Academic Qualification Tests (AQT) and Flight Aptitude Rating (FAR) examinations for FIP volunteers.

(viii) Include remarks in student jacket on FIP progress.

(ix) Maintain local records to ensure proper operation of the program.

(x) Submit reports as required.

(f) *Required reports.* The following reports shall be submitted to CNET (Code N–12).

(1) *Annual FIP Enrollment Report, CNET Report Symbol 1533–1.* Upon commencement of the FIP each year, but no later than 30 September, submit a DD–1155 (Order for Supplies or Services/Request for Quotation) marked "Initial Obligation Order". This order

cannot exceed the funds allocated by the Chief of Naval Education and Training. (See paragraph 711.407(h)).

(2) *Annual FIP Projection Report, CNET Report Symbol 1533-2.* No later than April 1 submit the following information.

(i) Number of students eligible and desiring to enroll in the next academic year.

(ii) Names and addresses of all FAA approved flying schools within a reasonable commuting time.

(iii) Whether students can be assembled as a class for ground instruction or must take ground instruction on an individual basis.

(iv) Titles and quantities of aviation (flight instruction) textbooks and aids on hand.

(v) Number of flight computers on hand.

(3) *Report of FIP Contract Costs, CNET Report Symbol 1533-3.* Submit a DD-1155 marked "Final Adjustment Order" reflecting the actual total FIP expenditures during the fiscal year. If flying is not completed by the date of submission, the remaining costs for the year shall be estimated and included in the total for the year. Funds expended for FIP for the fiscal year shall not exceed the amount shown on the "Final Adjustment Order". This report must be received by April 15. (See § 711.407(h))

(4) *Completion of the FIP for NROTC students, CNET Report Symbol 1533-4.* On or before 15 July submit a letter report as follows.

(i) Names of students receiving flight instruction including the number of dual and solo hours received.

(ii) Number of hours dual instruction received by student prior to performing first solo flight.

(iii) Names of the students receiving an FAA pilot license.

(iv) Names of students who received one or more hours of dual flight, but less than 15 hours of flight with reasons for discontinuance of the program. Provide one copy to the Commandant of the Marine Corps (Code MMRE-6).

(5) *Other Reports.* As required by FIP contract provisions.

(g) *Flight instruction program invoicing procedures.* The FIP necessitates the processing of between 300-400 invoices annually. In that most flying schools under FIP contracts fall under the category of small business, it is important that these invoices be processed rapidly. The invoice form, CNET 1533/4 (10-74), is recommended if agreeable to the FIP contractor. Upon receipt of the signed invoice by an official of the flight school (usually monthly), the NROTC unit commanding officer ensures that items and charges are in accordance with the contract provisions and that all charged items have in fact been received. The certification statement contained on the invoice must be signed by a commissioned officer and dated. The certifying officer should sign only the first copy of the invoice—not the original. Form DD-1155 should not be used as certifying document for the FIP program. Distribution of invoices by the commanding officers of the NROTC units is as follows:

(1) Payment officer designated in Block 12 of cover sheet of FIP contract (SF-26) receives original invoice, signed certified copy of invoice, and three additional copies.

(2) One copy to Navy Regional Purchasing Office, Washington, DC 20374.

(3) One copy to the Chief of Naval Education and Training (Code N-12).

(4) One copy to the Chief of Naval Education and Training Accounting Support Center (Code 23221-1), Building 603-2, Naval Air Station, Pensacola, FL 32508.

(5) The last invoice for the fiscal year must be marked, FINAL PAYMENT.

(6) Copies as necessary for unit files.

(h) *Processing of obligation orders.* All DD-1155's (Order for Supplies or Services/Request for Quotations) shall include itemized quantities of units in the same manner as the basic contract. The DD-1155's submitted as the "Initial Obligation Order" must include at least all the minimum quantities specified in the basic contract as well as complete accounting data. All DD-1155's (Initial Obligation Order, Interim Adjusting Order, and Final Adjustment Order) shall be submitted to CNET (Code N-12). Distribution of copies to the designated payment officer, Navy Regional Purchasing Office, Washington, and CNET Accounting Support Center (Code 23221-1) will be made by CNET (Code N-12).

§ 711.408 Indoctrination cruises and visits.

(a) *General.* Indoctrination cruises and visits are important in motivating NROTC students for future naval service. Commanding officers of NROTC units are encouraged to take full advantage of every opportunity for their students to visit naval activities or naval vessels that may be available. During recent years, aviation indoctrination visits to NAS, Pensacola, and two-day nuclear submarine cruises have become increasingly popular. Additionally, it is highly desirable to include surface ship indoctrination in the program. Fleet indoctrination is authorized as part of the NROTC program.

(b) *Scheduling of cruises.* Requests for indoctrination cruises or visits should be made by commanding officers of NROTC units to the appropriate type commander or training command, or to his designated representative, with information copies of correspondence to the Chief of Naval Education and Training (Code N-122). Because of the time involved in coordination of unit travel, early submission of requests is essential.

(1) Aviation indoctrination visits will be coordinated with the Chief of Naval Air Training. Information copies of all correspondence should be provided to the Chief of Naval Operations (Op-59), the Chief of Naval Personnel (Pers-43) and Chief of Naval Education and Training (Code N-12). NROTC units should travel to NAS, Corpus Christi, Texas or NAS, Pensacola, Florida, for visits with primary consideration given to minimizing cost. For further information, see CNATRAINST 1533.2.

(2) Requests for nuclear submarine indoctrination cruises should be made by commanding officers of NROTC units to the submarine type commander geographically closest to his unit. Information copies of correspondence should be provided to the respective Fleet Commander in Chief, Chief of Naval Operations (OP-29), Chief of Naval Personnel (Pers-422) and Chief of Naval Education and Training (Code N-12).

(3) Request for surface ship indoctrination cruises should be made by commanding officers of NROTC units to the appropriate type commander geographically closest to his unit. Information copies of all correspondence should be forwarded to the respective Fleet Commander in Chief, Chief of Naval Operations (OP-39), Chief of Naval Personnel (Pers-41) and Chief of Naval Education and Training (Code N-12).

(c) *Responsibilities*—(1) *Fleet Commanders in Chief* are requested to provide military transportation to transport NROTC students for cruises or visits on a not to interfere basis with fleet operations.

(2) *Type Commanders* are requested to approve, coordinate, and schedule cruises and visits within their commands.

(3) *Chief of Naval Air Training.* Approve, coordinate, and schedule visits to NAS, Pensacola, or NAS, Corpus Christi, as appropriate.

(4) *Chief of the Naval Reserve* is requested to provide transportation as available for NROTC midshipmen.

(5) *Commanding Officer, NROTC Units.* Request indoctrination cruises and visits in accordance with § 711.408(b).

(d) *Participation*—(1) Although it should not be unnecessarily restrictive, priority of participation should be given to NROTC students.

(2) In an effort to enhance the recruiting value of indoctrination cruises and visits, cognizant commands are encouraged to authorize participation of a limited number of faculty members. Participation by these persons shall be on a space available basis, and in accordance with OPNAVINST 4630.10B and Department of the Navy Public Affairs Regulations, SECNAVINST 5720.44. Release from claim for injury is required for each non-NROTC student not otherwise entitled to space available travel under the provisions of OPNAVINST 4630.10B.

(e) *Special provisions.* Indoctrination cruises and visits are separate and distinct from "annual training duty", and do not constitute the "active duty for training" as defined in the Servicemen's and Veteran's "Survivor's Benefits Act" even though these may, in rare cases, be of more than 14 days duration. Such cruises and visits are provided for by Article 2109, Title 10, United States Code. Entitlement to death and disability benefits while performing practice cruises under section 2109, Title 10, is established by section 8140, Title 5, United States Code. Section 8140, Title 5, USC extends, with certain limitations, the death and disability entitlements of

subchapter 1, Chapter 81, Title 5, United States Code to such persons.

§ 711.409 Summer training.

(a) A summer training period is held annually to furnish NROTC students the opportunity to gain experience in the practical application of their studies in naval science. These training periods normally are six to eight weeks in length, as specified by the Chief of Naval Education and Training.

(b) Each NROTC Scholarship student is required to participate in three such training periods. Normally, a period of at-sea training is made between the freshmen and sophomore years (third-class cruise); a warfare specialty training period between the sophomore and junior years (second-class cruise); and a second period of at-sea training between the junior and senior years (first-class cruise—training at a Marine base for Marine Corps Option students). Waivers of this requirement will be handled on a case basis by the Chief of Naval Education and Training for students who are appointed to Scholarship status as sophomores or later. The first-class summer training requirement will not be waived.

(c) If, for any reason, the Chief of Naval Education and Training authorizes a student to postpone a training period all three training periods should still be taken in the normal sequence: Third-class, second-class and first-class. Departure from this sequence to allow a student to take the same training period as his classmates, rather than one which was previously postponed, is not authorized.

(d) In order to promote an exchange of professional, cultural and social experiences between midshipmen in the U.S. Navy and midshipmen of approximately 25 foreign navies, a Foreign Exchange Midshipmen Training Program normally is operated each summer. A limited number of exemplary career motivated first-class midshipmen who are proficient in the language involved will be ordered to training in a ship of one of the foreign navies in lieu of the normal first-class training period. Similarly, a small number of midshipmen of those navies will undergo at-sea training in ships of the U.S. Navy.

(e) Each NROTC College Program student is required to participate in one period of summer training, the first-class cruise, normally between the junior and senior years.

(f) Scholarship and College Program students who are candidates for Marine Corps commissions will train at a Marine Corps Base in the summer between the junior and senior years.

(g) NROTC Scholarship and College Program students, while on active duty for training, are subject to all laws and regulations of the U.S. Naval Service including pertinent ship or station orders, special cruise or training regulations, and the Uniform Code of Military Justice.

(h) NROTC students who are members of a varsity, junior varsity or freshman crew competing in the annual Intercollegiate Rowing Association Regatta may request postponement of scheduled summer training in order to permit participation. Similar postponement may be requested by athletes who desire to compete in Olympic try-outs or who are selected as members of an Olympic team. Such postponed training periods may be scheduled later in the same summer, during a subsequent summer, or, if necessary, during the summer immediately following the completion of all academic and other naval science requirements for a commission.

§ 711.410 Status of training reports.

The professor of naval science, as head of the department of naval science, shall furnish the appropriate administrative officials of the parent institution with such reports of the department and the students enrolled therein as may be required by the rules of that institution or as may be specifically requested. Information relative to special activities and accomplishments of members of the NROTC unit such as visits to Naval and Marine Corps installations, progress of the Flight Instruction Program and selections or special programs such as flight, submarine and nuclear power might well be included, if deemed appropriate. CNET Report Symbol 1533–36 applies.

§ 711.411 Athletics.

NROTC members may participate in college athletics under the same terms and conditions that govern the participation of other students at the institution concerned.

§ 711.412 Absence from instruction.

Absence of NROTC students from training or instruction in the department of naval science generally shall be subject to the same rules which apply to absences from other academic classes at the institution concerned. An NROTC student who is absent from any part of the practical or theoretical instruction shall be required to make up the omitted training before being granted credits towards graduation. Absence from classes in either naval science or other academic courses in excess of the number authorized will be treated as disciplinary infractions and may lead to disenrollment from the NROTC Program for disciplinary reasons. Full participation in all scheduled naval science training and instruction is required to properly complete the objectives of the NROTC Program.

§ 711.413 Physical conditioning and weight control.

(a) *General.* The Navy and Marine Corps emphasize the necessity for maintaining a high degree of physical conditioning. With this in mind, the physical aspects of the NROTC Program demand an increasing endurance capability. Any NROTC student having difficulty meeting the minimum standards is encouraged to seek the advice of physical education instructors and establish a regular progressive conditioning program.

(b) *Strength and endurance.* NROTC students will be required to establish individual programs to maintain health/fitness as prescribed by OPNAVINST 1500.22C. In addition the following minimum fitness standards are prescribed for administrative twice each academic year. Normally, students will not be permitted to enter the advanced course (or be commissioned) unless these standards have been met. Students who fail to meet the established standards by the end of their 3/C year may be placed in a leave of absence status, or recommended for disenrollment as determined by the professor of naval science. See §§ 711.212 and 711.213.

	4/C	3/C	2/C	1/C
(1) MEN				
1½-mile run (minutes)	15	13	12	12
or				
3-mile run (minutes)	34	28	28	28
Pushups	20	30	35	40
Situps (2 min)	3	4	5	5
Swimming	(1)	(2)	----------	----------
(2) WOMEN				
Pushups (half length)	10	20	25	30
Situps (bent knee)	15	25	30	35
240 yd shuttle (inches)	60	54	53	52
¼-mile run (minutes)	5	4½	4	4
Swimming	(3)	(3)	(3)	(3)

[1] 3d class swimmer qualification (as stated in BUPERS manual 6610120).
[2] 1st class swimmer qualification (as stated in BUPERS manual 6610120).
[3] Same as for men.

(c) *Marine Corps option students.* Marine Corps option students will, in addition to the above requirements, meet the standard prescribed in Marine Corps Order 6100.3F and will take the physical fitness test described in that Order twice each academic year. Test results will be forwarded to the Commandant of the Marine Corps (Code MMRE–6) in accordance with instructions contained in Marine Corps Order 5000.4B.

(d) *Weight control.* NROTC students whose weight is significantly more than the established standard shall be required to accomplish additional physical conditioning and shall be encouraged to get professional dietary assistance, if necessary, to reach the acceptable weight standards contained in the Manual of the the Medical Department. Normally, students will not be permitted to enter the advanced course (or be commis-

sioned) unless these standards have been met. NROTC students who fail to meet the established weight standards by the end of their 3/C year may be placed in a leave of absence status, or recommended for disenrollment as determined by the professor of naval science. See §§ 711.212 and 711.213.

§ 711.414 Appearance.

Uniforms must be neat, clean, well-fitted, and worn with erect posture and with pride. In addition the person wearing the uniform must be so well groomed that his or her wearing of the uniform appears entirely fitting to an observer. When not in uniform, an officer candidate should stand out because of the same neatness, cleanliness, erect posture, immaculate grooming and aura of pride and confidence which go with wearing the uniform. Grooming standards are as defined in Navy Uniform Regulations.

§ 711.415 Conduct.

(a) *Standards.* NROTC students are expected to show in themselves a good example of subordination, courage, zeal, sobriety, neatness and attention to duty and to conduct themselves with the propriety and decorum which characterize gentlemen and ladies.

(b) *Offenses*—(1) *Major offenses,* in general, are those offenses which indicate moral turpitude, a serious breach of discipline, a hardened disregard or contempt for authority, an incorrigible lack of energy and purpose, a culpable lack of sense of responsibility, or actions which bring discredit upon the naval service. Examples are: absence, unauthorized (aggravated or repeated); assault (includes personal combat); courses, failure to register for; debt, irresponsibility in contracting; drug abuse; falsehood (including cheating, false muster, false travel claim, and plagiarism); hazing; insubordination, intoxication; malingering; morals offenses (including indecent exposure); obscenity; orders, deliberate disobedience of or refusal to obey; property, destroying or defacing; security violation; theft; etc.

(2) *Minor offenses* are those offenses of a less serious nature which involve comparatively minor infractions of instructions, orders, regulations or grooming standards. Repeated infraction of a minor nature will be treated as a major offense.

(c) *Disciplinary Measures*—(1) The NROTC conduct system does not fall within the purview of UCMJ except when NROTC students are ordered to active duty for training. Instead, the professor of naval science may sometimes exercise jurisdiction over conduct offenses on campus with ill-defined authority. The permission to conduct an NROTC Program on campus includes implicity authority to impose disciplinary measures; but the extent of such authority and the type and amount of such measures are subject to college/university approval. Unit regulations which define procedures and prescribe disciplinary measures for minor offenses should be distributed to appropriate college/university officials and to NROTC students. The Chief of Naval Education and Training has the authority to disenroll NROTC students from the NROTC Program for major offenses. The professor of naval science should recommend disenrollment from the NROTC Program, as a minimum, place NROTC students on probation for such offenses.

(2) Although not normally bound by the procedures of UCMJ, comparable procedures and reviews should be followed in preferring charges, conducting hearings and mast, and in reviewing cases. The professor of naval science may designate staff and/or student officers to conduct mast so that he can hear appeals and serve as reviewing officer himself for minor offenses.

(3) During summer training, NROTC students are normally not charged under the UCMJ except for grave offenses. Commanding officers may assign disciplinary measures deemed appropriate to the offense either as prescribed in the current cruise or training manual or as prescribed by UCMJ.

§ 711.416 Aptitude for the service.

(a) *General.* Aptitude for the service as determined from professional performance reports is used to describe an NROTC student's officer-like qualities, his potential as an officer, and his current performance in relation to his contemporaries.

(b) *Objectives.* The main objectives of the aptitude system are:

(1) To determine in what degree and in what relative order NROTC students possess officer-like qualities and qualifications for positions of authority and responsibility.

(2) To identify weaknesses and to provide counsel and guidance to improve the officer-like qualities of NROTC students.

(3) To give each NROTC student experience in observing individual behavior and evaluating it in terms of military activities, including leadership.

(c) *Procedures*—(1) *Interim reports.* As directed by professors of naval science, interim aptitude reports will be submitted by NROTC students and unit staff officers and petty officers. The information obtained from the interim reports should be weighed to obtain a final report for each marking period. Midshipmen must be shown interim reports containing adverse material and allowed to submit a statement or evidence in rebuttal.

(2) *Final reports.* When all interim reports on an NROTC student have been obtained, a final aptitude report for each marking period will be prepared by commissioned officers designated by the commanding officer. Each final report will contain a numerical mark, comments, and the relative standing of the student with respect to others in his class. Because of their bearing on a midshipman's final multiple, final reports shall be reviewed by commanding and/or executive officers and shown to the student. CNET Report Symbol 1533–37 applies.

(3) *Unsatisfactory aptitude.* When an NROTC student shows a serious lack of those qualities of aptitude for the naval service desired in officer candidates, either due to lack of effort or for other reasons, he should be counseled by the respective officer instructor and/or the professor of naval science, and he should appear before a unit aptitude board. Probation, or recommendations for LOA or disenrollment, if granted, are to be in accordance with §§ 711.211, 711.212, or 711.213 of this section.

§ 711.417 Marking, student records and final multiple.

(a) Marks in naval science subjects and in aptitude for the service shall be assigned on the basis of the Navy 0 to 4.0 scale.

(b) In reporting to the institution the grades earned by the students in the naval science courses, the professor of naval science shall employ the same system of marking used by other academic departments.

(c) The professor of naval science shall maintain individual records of the progress made by all NROTC students. For the purposes of uniformity in the keeping of naval records and in calculating class standing, all marks will be translated from the marking system used by the institution to the Navy 0 to 4.0 scale. In making this translation the Navy mark of 2.5 shall be considered to be equivalent to the pass-fail standard in the institution's marking system, and the institution's passing grades will be assigned values between 2.5 and 4.0 consistent with the relative values of such grades as defined in the institution's system of marks. Similarly, failing grades will be assigned Navy scale values less than 2.5 consistent with extent to which the institution's marking system provides marks indicating the degree of failure. If the degree of failure is not provided, a mark of 2.0 will be assigned. For courses taken on a Pass-Fail, a mark of 3.0 or 2.0, as appropriate, will be assigned for uniformity in computation of the final multiple.

(d) When any NROTC student is transferred from one NROTC unit to another, the professor of naval science shall forward a copy of the student's individual record to the professor of naval science of the institution to which the transfer is made. In computing class standing for NROTC units, the Navy marks as determined by the professor of naval science at the institution where the courses were taken shall be used (rather than a retranslation of the transcript grades) unless an apparent inequity exists.

(e) A mark in aptitude for the service shall be assigned to each NROTC midshipman at the end of each term and at the end of each summer training period. Aptitude marks are to be assigned in accordance with the manual for NROTC Midshipman Evaluation and Aptitude Determination.

(f) The final multiple of each student commissioned shall be determined by a weighted average in which the total ap-

titude for the service marks will be given a weight of 1, the average of all marks in naval science courses a weight of 4, and the average of all marks in academic courses other than naval science taken while enrolled in the NROTC program, a weight of 4. The total aptitude for the service shall be calculated, as indicated below, by weighing the aptitude marks (a, b, c, and d) earned during each of the four years of NROTC training, the summer training mark where applicable being given equal weight with the final aptitude mark covering the entire academic year immediately preceding. The final class standing of a student in the program four or more years shall be determined, therefore, according to the following formula:

$$S=(0.1a+0.2b+0.3c-0.4d)+4N+4G$$

where

S = the number used in determining final class standing on commissioning;
a = the average of the aptitude mark for the first (normally freshman) academic year of NROTC training and the aptitude mark for the summer training following that year (if completed);
b = the average of the aptitude mark for the second (normally sophomore) academic year of NROTC training and the aptitude mark for the summer training following that year (if completed);
c = the average of the aptitude mark for the third (normally junior) academic year of NROTC training and the aptitude mark for the summer training following that year (if completed);
d = the aptitude mark for the fourth academic year of NROTC training. If summer training is completed following graduation, however, the aptitude mark shall be the average of the aptitude mark for the last academic year of NROTC training and the aptitude mark for the summer training following that year;
N = the average per credit hour of all naval science courses marks, and
G = The average per credit hour of all academic course marks other than naval science while enrolled in the NROTC program. Both passing and failing marks shall be included.

(g) Other authorized substitutions for naval science courses shall be considered as naval science courses and shall be included in figuring the value of "N" above and shall not be considered in calculating the value of "G".

(h) If, for any reason, a student does not participate in a particular period of summer training, the aptitude mark for that year (a, b, or c, above) shall be aptitude mark earned during the academic year. Use of the formula indicated will result in 30 percent of the final overall aptitude mark being derived from the three summer training periods for most Scholarship students; whereas in the case of most College students, 15 percent from the one summer training period.

(i) In calculating the final class standing of a student who has been under NROTC training for fewer than four years, the professor of naval science shall determine the final aptitude average according to the following formulas:

(1) If a Scholarship Program student is in the program for three years only and has summer training after each academic year:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

(2) If a College Program student is in the program for three years only and has summer training after his second year in the program:

$$S=(0.2a+0.4b+0.4c)+4N+4G$$

(3) If a College Program student is in the program for three years only and has summer training after his third year in the program:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

(4) If a College Program or Scholarship Program student is enrolled in the two-year program:

$$S=(0.4a+0.6b)+4N+4G$$

(In this case, "a" is the average of the aptitude mark for the first year in the program and the aptitude mark for the required summer training completed prior to enrollment and "b" is the average of the aptitude mark for the second year in the program and the aptitude mark for the summer training taken either prior to or subsequent to the second year in the program.)

(j) The professors of naval science may desire to calculate class standings at the end of each year in order that such standings may be used in selecting student officers. Cumulative class standings may be calculated at the end of any year by modifying the formula given in paragraph (f) of this section, as follows:

S_2 = cumulative class standing at beginning of second year of NROTC training;
S_3 = cumulative class standing at beginning of third year of NROTC training;
S_4 = cumulative class standing at beginning of fourth year of NROTC training.

(k) Final standings are computed by BUPERS in accordance with current directives.

§ 711.418 Military organization.

(a) The NROTC unit, assuming a strength of approximately 300, will be organized in general as follows:

1 battalion containing 3 companies
Each company containing 3 platoons
Each platoon containing 3 or 4 squads
Each squad containing 8–10 men

(b) Changes in any level may be made to compensate for other unit sizes.

(c) NROTC student officers will be organized in general as follows:

Battalion staff:	
Commander	Midshipman lieutenant commander.
Executive officer.	Midshipman lieutenant.
Operations officer.	Midshipman lieutenant (junior grade).
Communications officer.	Midshipman ensign.
Supply officer	Do.
Chief petty officer.	Midshipman chief petty officer.
Color guard:	
National color bearer.	Midshipman chief petty officer.
Battalion color bearer.	Do.
Color escort	Midshipman petty officer, 1st class.
Do	Do.
Drum and bugle corps or band:	
Commander	Midshipman lieutenant (junior grade).
Executive officer.	Midshipman ensign.
Chief petty officer.	Midshipman chief petty officer.
Mustering petty officer.	Midshipman mustering petty officer.
Company staff (three companies):	
Commander	Midshipman lieutenant.
Executive officer.	Midshipman lieutenant (junior grade).
Chief petty officer.	Midshipman chief petty officer.
Platoon organization:	
Commander	Midshipman ensign.
Mustering petty officer.	Midshipman mustering petty officer.
Guide	Midshipman petty officer, 1st class.
Squad leader (each squad)	Midshipman petty officer, 2d class.

(d) At some institutions where ROTC units of the Army or Air Force are established, the professor of naval science may consider it advantageous to his particular unit to have the NROTC battalion commander appointed to the rank of midshipman commander or midshipman captain, with other ranks adjusted accordingly. At any unit where the professor of naval science deems that the above situation applies, he may request authority to Chief of Naval Education and Training to make the change indicated. The request should list the specific changes desired, the rank of the Army/Air Force student commanders, the number of NROTC students on board and the particular benefit that will accrue to the unit if the requested change is approved.

(e) Although the military organization outlined in this article makes provision for a drum and bugle corps or band, such items as musical instruments, music and musical supplies for such activities will not be provided at Navy expense.

(f) The size of battalion, company, and platoon staffs shown above should not be increased. Instead, collateral duties should be assigned to provide for other areas of responsibility.

(g) Units having drill teams may integrate students into regular battalion companies or constitute drill companies as distinct entities within overall battalion structure. At no time shall NROTC unit drill teams utilize fixed bayonets, either in practice or during exhibition.

Subpart E—Marine Corps

§ 711.501 Enrollment in Marine Corps option courses.

(a) Qualifications for enrollment. A Scholarship or College Program student in good standing may be designated a Marine Corps option student on a voluntary basis provided his enrollment therein is recommended by the Marine officer instructor, the professor of naval science, and approved by the Commandant of the Marine Corps and the Chief of Naval Education and Training.

(b) Method of enrollment. Students who desire to be considered candidates

for a commission in the Marine Corps or Marine Corps Reserve will be given the opportunity to submit a written application to the Commandant of the Marine Corps (Code MMRE–6), via the Marine officer instructor and the professor of naval science, at any time prior to commencement of the third year in the NROTC Program. Requests for enrollment as a Marine Corps option student after commencement of the third year require joint approval of the Chief of Naval Education and Training (CNET N–12) and the Commandant of the Marine Corps (Code MMRE–6). If the application is approved, the student shall complete during the first two years of NROTC training the naval science courses regularly prescribed for those years, and the specialized Marine Corps option curriculum during the last two years of NROTC training. The original request shall be forwarded to the Commandant of the Marine Corps (Code MMRE–6).

(c) Status of candidates. Candidates for Marine Corps commissions will retain their status as NROTC students and will wear Marine option uniform items, as authorized by Chapter 5 of the U.S. Navy Uniform Regulations. Marine Corps Order 5000.4 provides amplifying instructions concerning the administration of Marine Corps option students, who will, unless otherwise directed, be administered in the same manner as other students. College Program students who have been accepted as candidates for the Marine Corps option will be enlisted in the Naval Reserve (not the Marine Corps Reserve) to meet the requirements for the advanced course of the NROTC.

(d) NROTC students who, after starting instruction in the Marine Corps option, become ineligible for a USMC/USMCR commission, normally will be disenrolled from the NROTC Program.

(e) Quota. Sixteen and two-thirds percent of an incoming class may be initially enrolled as Marine Corps option students on a voluntary basis. Sixteen and two-thirds percent of NROTC graduates may be commissioned in the Marine Corps or Marine Corps Reserve, also on a voluntary basis. Professors of naval science are authorized to enroll in Marine Corps option courses up to 16⅔ percent of the potential number of graduates of any class. In the event the number of applicants from a class exceeds 16⅔ percent of the potential graduates of that class, the professor of naval science shall notify the Chief of Naval Education and Training. Permission will be given by the Chief of Naval Education and Training to individual units to enroll in Marine Corps option courses more than 16⅔ percent of the potential graduates of a given class, provided the total number of Marine Corps candidates in that class from the entire program does not exceed 16⅔ percent.

§ 711.502 Instruction of Marine Corps candidates.

(a) *Marine Corps option courses.* Candidates for Marine Corps commissions are required to complete successfully, a total of four years of naval science and Marine Corps option courses prior to graduation, except that Two-Year Program students may substitute the Naval Science Institute for the first two years of instruction. During the third and fourth years of NROTC instructions, they will undergo instruction in Marine Corps option courses, in lieu of naval science courses.

(b) *Laboratory periods.* Except for the laboratory periods devoted to battalion drills, or occasions deemed by the professor of naval science to be of interest to all students of the unit, the Marine Corps option students will be given separate instruction peculiar to the Marine Corps during the weekly drill periods.

(c) *Summer training.* In lieu of attending summer training between the junior and senior years with the Navy, all Marine Corps option students will undergo a period of field training of approximately six weeks duration, at the Marine Corps Development and Education Command, Quantico, Virginia.

(d) *Administrative procedures for summer training.*

(1) Marine Corps candidates are entitled to the same pay, quarters, subsistence, and transportation authorized for all other members of the program.

(2) The pay, traveling expenses, cost of subsistence and all other expenses of Scholarship and College Program students while in training at a Marine Corps station are chargeable to the appropriation, "Reserve Personnel, Navy" in accordance with procedures prescribed by the Chief of Naval Education and Training.

(3) Medical Treatment.

(i) Both Scholarship and College Program students upon reporting for summer training will receive physical examinations, if required, in accordance with Chapter 15–77, Manual of the Medical Department, U.S. Navy.

(ii) If any student is found not physically qualified for duty upon reporting for summer training, he will be retained on station and a full report of medical examination will be forwarded to the Commandant of the Marine Corps for final determination as to the physical qualifications of the student concerned and for final disposition of the case. The Commandant of the Marine Corps will coordinate with the Chief of Naval Education and Training action to be taken in the case of each student found not physically qualified for training.

(iii) A report of medical examination will be made directly to the Chief, Bureau of Medicine and Surgery on all NROTC students found physically qualified for active duty.

(iv) In the event that any NROTC student is injured or becomes physically disqualified during the course of training to such extent that release from active duty cannot be made, the Commandant of the Marine Corps shall be notified immediately and a full written report of the examinee's physical condition shall be forwarded to the Chief of Naval Education and Training with a copy to the Commandant of the Marine Corps and the appropriate professor of naval science.

(v) Students who have not received required inoculations during the current year will receive all immunizations required for personnel on active duty for training.

(4) Discipline.

(i) NROTC students, while on active duty for training are subject to all the laws and regulations of the Naval Service.

(ii) Breaches of discipline warranting disciplinary action shall be reported to the Commandant of the Marine Corps, with copy to the Chief of Naval Education and Training and cognizant professor of naval science, giving full details.

(5) Clothing and equipment.

(i) Articles of Marine Corps clothing as outlined in "Marine Corps Individual Clothing Regulations (MCO P10120.28)" will be issued by the Marine Corps for the duration of summer training.

(ii) Equipment required for the training of all NROTC students at summer training will be issued by the Marine Corps and accounted for as prescribed by current directives.

(6) Reports—aptitude. The final average and numerical standing of each graduate of the Marine option summer training program will be reported by the Commandant of the Marine Corps to the professor of naval science for use in computing the final standing of the student upon completion of the NROTC Program.

§ 711.503 Appointment to commissioned rank in the Marine Corps.

(a) Qualified NROTC graduates who make application for appointment in the U.S. Marine Corps or Marine Corps Reserve, as appropriate, may be commissioned as second lieutenant, Marine Corps or Marine Corps Reserve upon recommendation of the Commandant of the Marine Corps and final approval of the Secretary of the Navy. Each applicant must be recommended by the Marine officer instructor and the professor of naval science.

(1) NROTC graduates who participated in the Scholarship Program will be commissioned as second lieutenants, Marine Corps, provided they are otherwise qualified.

(2) NROTC graduates who participated in the College Program will be commissioned as second lieutenants in the Marine Corps Reserve, provided they are otherwise qualified.

(b) Each applicant for a commission in the Marine Corps or the Marine Corps Reserve must have completed satisfactorily the required naval science courses including the Marine Corps option courses and the prescribed Marine Corps summer training. In exceptional cases and only upon recommendation of the professor of naval science, the Commandant of the Marine Corps may approve a waiver of one academic year of Marine Corps option courses.

(c) In addition to the above, the following requirements must be met:

(1) Age. Be more than 20 and not have reached 25 years of age on 30 June of the calendar year in which appointed.

(2) Physical Qualifications. Be physically qualified for appointment to com-

missioned rank in the Marine Corps or the Marine Corps Reserve, as appropriate, in accordance with the physical standards set forth in the Manual of the Medical Department, U.S. Navy.

(3) Academic Qualifications. Completion of required naval science and Marine Corps option courses and receipt of a baccalaureate degree.

§ 711.504 Dates of rank.

(a) The date of officers appointed from the NROTC as second lieutenants in the Marine Corps or the Marine Corps Reserve during May or June of any year will be the date of graduation of midshipmen from the Naval Academy in that year.

(b) The date of rank of such officers appointed in months other than May or June of each year will be in accordance with the following schedule:

Commissioning date	*Date of rank*
1 Jan. to 31 Mar	1 Jan.
1 Apr. to 30 Apr	1 Apr.
1 July to 31 Aug	1 July.
1 Sept. to 31 Oct	1 Sept.
1 Nov. to 31 Dec	1 Nov.

§ 711.505 Clothing for Marine Corps candidates.

(a) *Issuance of Navy clothing.* Candidates for Marine Corps commissions will be issued articles of clothing normally issued to all other NROTC students for duty at the NROTC unit.

(b) *Issuance of Marine Corps clothing.* Prior to graduation and acceptance of appointment in the Marine Corps or Marine Corps Reserve, Marine Corps candidates will be issued gratuitously from stock those items of uniform listed in Marine Corps Individual Clothing Regulations (MCO P10120.28). This issue will be in addition to any uniform gratuity received. Accounting instructions relative to the issue of in kind clothing as provided herein are contained in appropriate Marine Corps Orders of the 7300 series. Marine officer instructors will submit via the professor of naval science, at least sixty days in advance of the time the clothing is required, requisitions in accordance with MCO P10120.28 to the appropriate supply source listed in the aforementioned publication. Requisitions should show the names of individuals and should be issued prior to departure from the university.

§ 711.506 Marine Corps personnel assignments.

(a) As determined by the Commandant of the Marine Corps and the Chief of Naval Personnel, and insofar as practicable, the following Marine Corps personnel will be assigned to the NROTC program:

Professors of naval science—colonels—as appropriate.
Executive officers—lieutenant colonels—as appropriate.
Marine Corps officer instructors—majors or below—one per unit.
Staff noncommissioned officers—one per unit.

(b) Liaison will be performed between the Commandant of the Marine Corps and the NROTC units by an officer of the Marine Corps. Periodic routine visits to NROTC units by representatives of Headquarters, U.S. Marine Corps for the purpose of discussing Marine Corps matters with Marine officer instructors are authorized. Notification of such routine visits will be made to the commanding officer of the unit concerned announcing visits with copy of letter of notification to the Chief of Naval Education and Training (N-12).

Subpart F—Alien Student Participation in the NROTC

§ 711.601 General.

As provided for by DOD Instruction 1215.12 of 7 February 1970, certain nonimmigrant and immigrant aliens are eligible for enrollment in the NROTC program. This eligibility pertains only to participation in the Four-Year College Program. Alien students are excluded from the Scholarship Program by Section 2107 of Title 10, United States Code.

§ 711.602 Policy.

(a) Although appointment of immigrant aliens is permitted by law, shipboard assignment of these officers is precluded by Section 6019 of Title 10, United States Code. Enrollment in the NROTC College Program is, therefore, limited to:

(1) Immigrant aliens who, although not yet eligible for naturalization, can produce written evidence that they have filed a Declaration of Intention (INS Form N-300) to become a citizen of the United States and who will fulfill naturalization requirements for U.S. citizenship prior to graduation and thus will become eligible for unrestricted assignments as officers of the Navy or Marine Corps. If the immigrant alien already meets the residence requirements, he must submit written evidence of having applied for naturalization to become a United States citizen.

(2) Nonimmigrant aliens who are qualifying for commissions in the service of certain foreign governments.

(b) Active recruitment of nonimmigrant aliens is not desired.

(c) Except in special instances, as determined by the Chief of Naval Education and Training, not more than five students from any one foreign country may be newly enrolled in any one NROTC unit each year.

§ 711.603 Eligibility.

(a) Aliens in the following classifications may be considered for enrollment:

(1) Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States and who will fulfill citizenship requirements prior to graduation.

(2) Nonimmigrants who are citizens of certain countries approved by the Department of State and whose participation in the NROTC Program is sponsored by their parent governments.

(b) Aliens must be enrolled in an NROTC affiliated university or college as a full time student. Application must be made at the entering freshman level or, when the applicant is in a five-year curriculum, at the sophomore level. Applicants may attend classes as naval science students pending pproval of enrollment as Special College Program students.

(c) Age restrictions established for the NROTC College Program apply. In the case of a nonimmigrant alien, however, a request for waiver of the maximum age requirement will be considered by the Chief of Naval Education and Training provided the applicant has not attained age 25 on or before June 30 of the year in which he commences his naval science studies.

(d) Applicants must meet the physical standards prescribed for the NROTC College Program in the Manual of the Medical Department. Waivers for physical defects may be granted by the Chief of Naval Education and Training on an individual case basis after review of the report of medical examination by the Chief, Bureau of Medicine and Surgery.

(e) Applicants must possess the qualifications and character required of prospective officers of the U.S. Navy.

§ 711.604 Enrollment procedures.

(a) *Immigrant aliens.* Enrollment administrative procedures for immigrant aliens will be the same as those for College Program students. In addition, the commanding officer will obtain a statement from the Immigration and Naturalization Service establishing an eligibility date for naturalization. No student may enter the advance training phase of the NROTC program or obtain scholarship status unless he is a U.S. citizen.

(b) *Non-immigrant aliens.* Enrollment administrative procedures for foreign students will be as stated below.

(1) The NROTC unit will maintain a local file on each foreign student containing:

(i) Contract of Understanding (Foreign Student) (NAVPERS 1110/14).

(ii) Record of Emergency Data (Part II) (NAVPERS 1070/602). See example of JUMPS Field Procedures Handbook (NAVSO P-3086).

(iii) Report of Medical Examination (SF 88) and Report of Medical History (SF 93).

(iv) Copy of letter from higher authority authorizing enrollment.

(2) The Chief of Naval Education and Training does not require copies of any of the above documents.

(3) Non-immigrant aliens (foreign students) are not to be included in officer candidate personnel accounting records.

§ 711.605 Disenrollment.

(a) Immigrant aliens will be disenrolled from the NROTC program if they have not received U.S. citizenship when scheduled to enter the advanced NROTC course. Disenrollment procedures applicable to NROTC College Program students will be used when disenrolling and recommending disenrollment. Immigrant aliens may participate in the advanced NROTC course as naval science students.

(b) Non-immigrant aliens may be disenrolled from the NROTC Program only after the written authorization of the Chief of Naval Education and Training.

(c) Non-immigrant aliens who request disenrollment must submit their request to the Naval Attache of the parent country concerned via their commanding officer.

(d) Commanding officers who desire to recommend a non-immigrant alien student for disenrollment shall submit a written request to the Naval Attache of the parent country concerned via the Chief of Naval Education and Training. CNET Report Symbol 4950-1 applies.

(e) Commanding officers will submit request for disenrollment authority from the Naval Attache of the parent country concerned for any non-immigrant alien student awarded a baccalaureate degree who has also completed all naval science requirements.

§ 711.606 Entitlements.

(a) Alien students may be provided appropriate uniform clothing by the NROTC unit at which enrolled. Parent countries may furnish appropriate midshipman insignia of the parent country for use on the uniforms of non-immigrant alien students. Uniform clothing will be returned to the NROTC unit at which enrolled upon withdrawal from the NROTC program.

(b) Alien students will be furnished the same "subsistence-in-kind" and "Transportation-in-kind" furnished to other enrollees while participating in the NROTC program; and such pay, medical attendance, uniform clothing, and equipment furnished other NROTC students while participating in NROTC summer training.

(c) Aliens are not entitled to the $100.00 per month subsistence allowances. Immigrant aliens enrolled in advanced training become eligible for subsistence allowances when U.S. citizenship is obtained.

§ 711.607 Security clearances.

(a) Immediately upon enrollment of an immigrant alien, the commanding officer will initiate a background investigation on the student. Continuance in the NROTC program will be determined by the results of the investigation.

(b) Any alien student ordered to an NROTC unit sponsored by a foreign government in agreement with the U.S. Department of Defense has been certified for access to classified matter up to and including confidential only. Request for national agency checks or background investigations will not be initiated for alien students.

§ 711.608 Summer training.

(a) Immigrant aliens will not attend summer training.

(b) Non-immigrant alien students ordered to an NROTC unit sponsored by a foreign government in agreement with the U.S. Department of Defense are expected to attend three summer training periods.

§ 711.609 Reports.

A list of name, country, school and enrollment status (Special College Program student/naval science student) for the current school year shall be submitted annually by commanding officers, NROTC units, to the Chief of Naval Education and Training (Code N-121) not later than December 1. Report Control Symbol DD-M(A) 709 (1533) has been assigned.

Subpart G—Awards

§ 711.701 General.

Good management practices prescribe public recognition for the achievement of standards of excellence. Consistent with this rationale, the NROTC Program has historically provided opportunities for formal recognition of excellent performance on the part of NROTC personnel and NROTC students. Continuation of such practice is desirable.

§ 711.702 Policy.

(a) Recognition of excellent performance on the part of NROTC unit staff and NROTC Scholarship and College Program students is the responsibility of the professor of naval science.

(b) Awards and statements of recognition should, when possible, be presented during formal, public ceremonies with appropriate media coverage.

(c) Awards and formal recognition will be given for excellence of performance in these categories:

(1) Performance of duty/military aptitude

(2) Academic excellence

(d) Awards and recognition are to be given consistent with rigorous standards. They should never be presented solely on the basis of availability or for the sake of giving them. Where and when professors of naval science determine that it is inappropriate to give an award or recognition, such award or recognition should not be given.

(e) Awards and recognition given to NROTC students should normally be initiated by unit awards boards, or similar staff bodies.

§ 711.703 NROTC staff awards.

(a) *Military staff.* Professors of naval science may recommend to the Chief of Naval Education and Training (Code N-12) military members of their staff for commendations in accordance with the provisions of CNETINST 1650.1A.

(b) *Civilians.* Professors of naval science may recommend civilian members or organizations of the university and local community who have worked closely with the Navy and the NROTC for appropriate commendations/citations in accordance with the provisions of SECNAVINST 5061.12A.

(c) *Professor of Naval Science commendations/citations.* Professors of naval science may commend/cite deserving staff members, members of the university, and members of the civilian community. Such recognition shall be noted in reports of fitness/performance evaluations of military staff members so commended.

(d) *Colonel Leo A. Codd Memorial Award*

(1) The American Defense Preparedness Association (ADPA) sponsors an annual competition to recognize the outstanding ROTC instructor of each service.

(2) *Nature of the award.* The award consists of a U.S. Savings Bond, an engraved plaque, and a membership in the ADPA.

(3) *Eligibility.* Recipients are selected from officer ROTC instructors in the grade of lieutenant commander/major or below.

(4) Nomination procedure. Professors of naval science may nominate one officer instructor annually, not later than January 1. Nominations are to be forwarded to the Chief of Naval Education and Training (Code N-12) by letter. The letter of nomination is to specifically address these areas:

(i) Specific primary duties assigned and performance.

(ii) Evaluations of teaching (including student evaluation).

(iii) Collateral duties assigned and performance.

(iv) Civilian activities.

(v) University activities, including academics, and honors.

(vi) Contributions to the NROTC unit (morale, etc.).

(vii) Counseling abilities.

(viii) Previous recognition for achievement at the NROTC unit.

(ix) Evaluation of the whole man.

(5) Selection procedure. The Chief of Naval Education and Training will screen and recommend three nominees to ADPA via appropriate channels. ADPA will make the final selection and notify winners via the Chief of Naval Education and Training and the appropriate professors of naval science. Notification of winners can be expected about April 30.

§ 711.704 NROTC Student Awards.

(a) *American Defense Preparedness Association Scholarship Award.* This award consists of a bronze medal with certificate. The professor of naval science may nominate one student annually, by February 15, direct to the American Defence Preparedness Association, Union Trust Building, 15th and H Streets, N.W., Washington, D.C. 20005. Nominations should include a biographical sketch. Nomination criteria are these:

(1) Academic average placing student in the upper half of his/her class at the university/college.

(2) No grade less than B (or numerical equivalent) in the advanced NROTC courses.

(3) Evaluated to be in the upper 20 percent of the NROTC enrollment at the university/college.

(4) Actively participated in athletics and/or campus activities.

(5) Have demonstrated outstanding leadership qualities.

(b) *Armed Forces Communications and Electronics Association (AFCEA) Awards*—(1) *AFCEA Scholarship Award.* The objective of the AFCEA Scholarship Award Program is to assist deserving individuals in obtaining a higher education in the national interest. AFCEA annually supports three $500 scholarships for undergraduate college or university sudy in a course relating to the Association's sphere of interest (electrical, electronics, or communications engineering, or technical photography, and physical sciences) on the basis of merit and need. The scholarship will be given to any ROTC student who is fully accredited and enrolled in the ROTC program of the Departments of the Navy, Army, and Air Force. The award will be made to a Navy, Army, and Air Force ROTC student selected from the sophomore class, and accepted for admission to his junior year and to the Advanced NROTC program under the criteria of character, academic standing, merit, and need. The award will cover the advanced NROTC student in his junior and senior years assuming he stays in the program and meets prescribed requirements. All NROTC students meeting the selection criteria are eligible for the AFCEA Award. The annual check will be presented by a member of the Association and/or the professor of naval science.

(i) *Criteria for selection*— (A) *Character.* The candidate should have good moral character and be well-rounded in his interests, as demonstrated in academic and student activities. He must have demonstrated a loyalty to our form of government.

(B) *Academic standing.* The candidate should be in the top 25% of his class with a demonstrated interest in electrical, electronics, or communications engineering or physical science or technical photography. He should be well-motivated to securing and completing a college education.

(C) *Need.* The candidate should have an observed need for financial assistance in the completing of his education.

(ii) *Method of selection*

(A) Each university or college interested will be authorized to make one nomination per NROTC unit annually. In making a nomination, the professor of naval science should work with the educational institution in a manner compatible with existing procedures for scholarship awards. Also, final selection should be a coordinated effort of the military staff and the appropriate official selected by the institution, preferable in the science field.

(B) Nominations should be forwarded to the Chief of Naval Education and Training (Code N–12) by the professor of naval science not later than April 15 of each year.

(C) Final selection will be made by the Awards Selection Committee comprised of the National Directors on the Executive Committee of the Association.

(D) The Scholarship awards will be announced publicly at the Annual AFCEA Convention, usually held the last week of May or the first week of June.

(iii) *Nomination format.* The professor of naval science should follow the format shown in § 711.706 in submitting a nomination for the AFCEA Scholarship Award. CNET report symbol 1650–1 applies.

(2) *AFCEA*—(i) *General.* AFCEA will present annually Gold Medal Honor Awards and Certificates to outstanding senior AROTC, NROTC, and AFROTC students. The recipients of the awards at each school are selected by the professor of military science, naval science or aerospace studies with the concurrence of the dean of the school or head of the academic department in which the student is enrolled. To qualify for the award, the student:

(A) Must be a senior majoring in mathematics, chemistry, physics, engineering or photography, who has pursued or is pursuing courses clearly intended to prepare him for a career in communications, electronics, or technical photography.

(B) Should have demonstrated outstanding qualities of military leadership, high moral character and definite aptitude for military service.

(C) Should have distinguished himself either academically or by demonstrated leadership through his accomplishments while participating in recognized campus activities, especially if they are in the fields of communications, electronics or technical photography.

(ii) *Eligibility requirements for NROTC students.*

(A) The student must be an NROTC Scholarship or College Program senior who meets the criteria specified. In the case of those midshipmen enrolled in a five year academic course, the senior is defined as those completing their fourth year of the NROTC program.

(B) Each NROTC unit may make one award annually if it has a student who qualifies.

(iii) *Nomination procedure.* After selection, the professor of naval science will submit the name of the nominee to the Armed Forces Communications and Electronics Association, Suite 301, 5205 Leesburg Pike, Falls Church, VA 22041. The Association has no deadline, but the nomination should be submitted at least a month before the date for presentation.

(iv) *Awards, presentation and membership.*

(A) The gold medal and certificate will be forwarded by AFCEA to the professor of naval science. If the Medal or Certificate is desired for display purposes they may be ordered early in the year. AFCEA has no provision for furnishing these free for a permanent display; however, they may be purchased for a small charge from the Association.

(B) In those cases where there is a local AFCEA Chapter, presentation may be made by a member. Where there is no local chapter, the professor of naval science may make or arrange for the presentation. AFCEA will advise the professor of naval science at the time of forwarding the medal and certificate if there is a local chapter, and if so, whom to contact.

(C) The name of the award winners will be published in SIGNAL Magazine, the official journal of the Association.

(D) In addition to the medal and certificate, the winner, if he so desires, is entitled to a year's free membership in AFCEA. The recipient must apply in writing for this privilege to AFCEA at the above address during the month of October of the same year he received the award.

(c) *General Dynamics Award.* The General Dynamics award will be presented annually by the professor of naval science to the NROTC student who has demonstrated outstanding ability. The award consists of a plaque. The exact basis upon which the award shall be made at any unit is left to the discretion of the professor of naval science. The awards are forwarded to professors of naval science during February, and, upon receipt, are to be displayed until presented. Presentations are to be made near the end of the school year. Recipients may be either Scholarship or College Program Students who are in their final year of college prior to graduation and commissioning and have completed or are enrolled in their last year of naval science instruction. Professors of naval science shall notify General and Dynamics of the name and status of each recipient and the basis upon which the award was made. Correspondence concerning this award shall be addressed to:

Vice President, Public Relations and Advertising, General Dynamics Corporation, One Rockefeller Plaza, New York, N.Y. 10020.

(d) *National Sojourners Award for Americanism.* National Sojourners, Inc., an organiaztion of past and present commissioned and warrant officers who are master masons, offers its national award to an outstanding NROTC student at each institution annually. The award is intended specifically for presentation to the NROTC student who has contributed the most to encourage and demonstrate Americanism within the unit and on campus. The award consists of a ribbon with medal pendant and accompanying certificate. Professors of naval science will make selections for the award, and make their nominations during the month of January, annually to the nearest local chapter of the National Sojourners, Inc. If there is no local chapter, the nominations should be sent to the National Sojourners, Inc., Suite 300, 4600 Duke Street, Alexandria, VA 22304. Approval of all awards rests with National Sojourners, Inc. The award should be presented near the end of the school year. Criteria for the award are:

(1) Sophomore status (concluding the second undergraduate year and corresponding naval science instruction) or junior status (concluding the third undergraduate year and corresponding naval science instruction).

(2) Top 25 percent of academic class.

(3) Have encouraged and demonstrated the ideals of Americanism by deed or conduct, or both.

(4) Have demonstrated a potential for outstanding leadership.

(5) Not have previously received the award.

(e) *Society of American Military Engineers (SAME) Awards.*

The SAME will award, annually, the Society Gold Medal to 15 NROTC students in their next-to-last year of engineering studies and to 15 NROTC students in their last year of engineering studies. The purpose of the awards is to impress upon undergraduate engineering students, by appropriate recognition of meritorious promise of achievement in the field, the importance of engineering to national security. Both Scholarship and College Program NROTC students are eligible for consideration for these awards providing they meet the requirements, outlined below, approved by the SAME. Nominations will be forwarded by professors of naval science to the Chief of Naval Education and Training (Code N–12) not later than 1 March. Nominations will be made using the format shown in § 711.707. Nominations made must be in accordance with the following regulations:

(1) NROTC student, Scholarship or College Program, in either a 4-year or 5-year engineering course.

(2) School must offer accredited undergraduate civil, electrical, or mechanical engineering curricula, and award baccalaureate degrees.

(3) Student must be enrolled in his last or next-to-last year of an accredited undergraduate engineering curriculum. Curricula should be reasonably allied to military engineering but, if accredited, need not necessarily be civil, electrical or mechanical engineering. For example, petroleum or architectural engineering would be acceptable, but textile or management engineering would not. However, the school must still meet the requirements stated in § 711.704(e) (ii).

(4) Student must be in upper fourth of the NROTC Class. Although required to be in last or next-to-last year of engineering, student need not be in corresponding status in his naval science curriculum.

(5) Student must be in upper fourth of engineering class.

(6) Student must be recommended jointly by the commanding officer and the dean of engineering as the "Outstanding Engineering Student of the Year of his Group" in the NROTC unit. These written justifications should be as complete as possible since they are very important documents in the selection procedure.

(7) Maximum number of nominations per school per year are one last year and one next-to-last year student. However, if a school does not have a candidate meeting the foregoing requirements during a given year for any or either group, it will not submit a nomination but will so notify the Chief of Naval Education and Training (Code N–12) by March 1.

(8) NROTC students in 5-year engineering courses are eligible during 4th and 5th years only. Those in 4-year engineering courses are eligible during 3rd and 4th years only. If 5-year students, they are eligible whether or not on leave of absence from naval science courses.

(f) *Professor of Naval Science/NROTC Unit Awards.*

(1) Professors of naval science are encouraged to make annual professor of naval science/NROTC unit awards to deserving NROTC students. Such awards might be made for significant scholarship, superior aptitude, physical fitness, individual improvement, etc.

(2) The Distinguished Naval Graduate (DNG) award, and accompanying Regular Commission, has been discontinued. However, professors of naval science may desire to designate, locally and at their own discretion, certain about-to-be commissioned NROTC students (Navy and Marine Corps) to be "Distinguished Naval Graduates", "Naval Science Distinguished Graduates", or some other suitable title. Such an award might be in the form of a locally prepared citation/certificate. Such an award might be appropriately given for exceptional academic performance and high military aptitude, but would in no way alter the type of commission given to the student.

(g) *Other awards.* Many organizations and veterans' groups provide or will provide awards for NROTC students. Arrangements for awards given by these organizations/groups are generally made directly between the organization/group and the professor of naval science. Many of the awards are given nationally and the organization/group involved will automatically provide NROTC units with awards. Professors of naval science should be alert for local organizations. groups that might willingly provide awards upon solicitation. Examples of such organizations/groups are:

American Legion.
Catholic War Veterans.
Chicago Tribune.
Daughters of Founders and Patriots of America.
Daughters of the American Revolution.
Marine Corps Association.
Marine Corps League.
Military Order of the Purple Heart.
Military Order of the World Wars.
Naval Reserve Officers Association.
Navy Club of the United States.
Navy League.
Reserve Officers Association.
Steuben Society.
U.S. Naval Institute.
Veterans of Foreign Wars.

§ 711.705 Annual awards ceremony.

Professors of naval science are encouraged to present the majority of NROTC student awards at an annual formal ceremony to which parents and relatives of NROTC students, distinguished members of the local university, civilian, and military communities, and representatives of presenting organizations are invited to attend. Representatives of presenting organizations are invited to attend. Representatives of presenting organizations should be participants in the ceremonies as well by actually making the presentations where possible. An appropriate time for such a ceremony would be Armed Forces Day, Veterans Day, Memorial Day, or some other military-related commemoration.

§ 711.706 Nomination Format AFCEA Scholarship Award.

AFCEA Scholarship Award nominations will be submitted using the following format:

Name of candidate_____
(F name) (MI) (L name)
Nickname:_____ Age__ Height__ Weight__
School:_____ Class____

Scholastic Achievements

Class Standing: (Circle appropriate number.)
1. Upper 5% of class.
2. Upper 10% of class.
3. Upper 25% of class.

Number of students in class:_____
What class average does he maintain? (Use numerical average, if possible.)_____
Has he been on the Dean's List?_____
If so, about how much of the total time? (Circle appropriate number.)
1. All the time.
2. Most of the time.
3. About half the time.
4. Occasionally.

Is he pursuing a course in the fields of electricity, electronics, communications, technical photography, or physical sciences?

List the subjects taken and grades received since entering college:

Subject	No. of years	Grade average
1. Mathematics:		
a. Algebra		
b. Geometry		
c.		
d.		
2. History:		
a. United States		
b.		
c.		
d.		
3. English		
4. Foreign Language:		
a.		
b.		
5. Sciences:		
a.		
b.		
c.		
d.		
6. Liberal Arts Courses:		
a.		
b.		
c.		
d.		

Has he ever received any scholastic awards, either national, regional, or local? If so, please explain briefly: _____

_____

_____

Are there any other scholastic achievements, not covered above, which you desire to add?

_____

_____

_____

Extracurricular Activities at School (optional)

Does he hold a student body office? If so, please state title:

_____

Does he hold any class office? ____ If so, what office does he hold?

_____

Is he on the school honor committee? ____ Is he an officer of the committee, and if so, please state the title held: _____ Is he a member of any academic clubs such as language clubs, astronomy club, mathematics club, science club, etc.? If so, please list the clubs and any offices held.

_____

_____

Is he a member of the band, glee club, pep organization, etc.? If so, please list the organizations: _____

_____

What rank does he hold as a member of the ROTC? _____

List any other extracurricular activities in which the candidate participates at school together with any offices held or honors received. _____

_____

Athletic Achievements (optional)

Circle those which pertain:

Football Basketball Baseball Track
Golf Tennis Swimming

Outside Activities

Has he shown a loyalty to the principles and objectives of the Government of the United States? _____

Was he a Boy Scout, Sea Scout, Ranger, etc? ____. If so, what rank did he obtain? _____. List any other activities of this candidate outside of school that you may know about, include statement of need.

_____

_____

_____

(PAS/PMS/PNS—Short Sentence)

Will you please sign this form in the spaces provided so that we may be able to contact you for further information if it is needed by the selection board.

_____ _____

President of University or College — PMS/PNS/PAS

Subpart H—Pay, Allowances, and Benefits

§ 711.801 Subsistence allowances.

(a) *General entitlement.* Except while performing summer training or at-sea training, Scholarship Program students and College Program students (advanced course only) are entitled to a subsistence allowance at the rate of $100 per month as follows.

(1) For Scholarship Program students in the first two years (basic course) of a four-year program, the entitlement begins on the day the first term of college work commences. In no event can the entitlement exceed 20 months nor be paid during vacation between the normal academic school years.

(2) Scholarship and College Program students enrolled in the last two years (advanced course) of a four-year program are entitled to receive the allowance beginning on the day advanced training commences. In no event can the entitlement exceed 20 months.

(b) *Limitations.*

(1) Deduction for period of summer training or at-sea training.

(i) At institutions operating a normal academic calendar year, students will not accrue entitlement to subsistence allowance during the period of the prescribed summer training or at-sea training even though the student does not attend this training. However, if the academic class of which the student is a member is continued beyond the commencement of this training or at-sea training, he will be allowed subsistence for the period he is so held.

(ii) At institutions operating an accelerated program, students who actually participate in institutional NROTC training during the normal summer vacation period may be paid the subsistence allowance during such period subject to the 20 months limitations indicated in the paragraph above titled "General Entitlements."

(iii) The amount of the deduction of subsistence allowance is determined by the length of the summer training or at-sea training, during the summer vacation immediately following entry upon the work of the advanced course.

(2) Vacations.

(i) An NROTC student enrolled in the first two years of a four-year program is not entitled to subsistence allowance for periods between the normal academic school years, for example, summer vacations after the first and second years.

(ii) A member enrolled in or selected for the advanced course is entitled to subsistence allowance during the first summer vacation period after entering upon the training of the advanced course and during which he remains enrolled in the program, less the period of summer training or at-sea training, whether attended or not. Payment is authorized for only one summer vacation period.

(c) *Pay records, substantiation, and payments.* Detailed instructions governing pay record maintenance, requirements for documents to substantiate the commencement, suspension, and termination of subsistence allowance, and payment procedures are contained in the Navy and Marine Corps Pay Procedures Manual (NAVSO P-3007).

(d) *Non-entitlement to reserve drill pay.* Since assignments to Naval or Marine Corps Reserve units of enrollees in the NROTC Program are required to be terminated (except for College Program students who are in their first two years (basic course) of a four-year program and who specifically request continuation in drilling status), drill payments to NROTC students are not authorized.

(e) *Leave of absence.* NROTC students normally entitled to a subsistence allowance who are absent due to illness or injury may be paid that allowance for a period not to exceed 30 days during each continuous period of hospitalization, provided they do not receive benefits given under the provisions of § 711.803.

(f) *Maritime Administration cadet subsidy.* NROTC Scholarship or College Program students enrolled at maritime academies who receive subsistence payments lose all eligibility for the Maritime Administration Cadet Subsidy commencing with the first date they become eligible for subsistence payments. Loss of cadet subsidy remains in effect for the remainder of the student's enrollment in NROTC.

§ 711.802 Active duty pay.

(a) *Basic pay.* A member (Scholarship and College Program students) or an applicant (naval science institute attendees) for membership in the NROTC is entitled to pay at the rates indicated in §§ 711.802(a)(1) and 711.802(a)(2) when attending summer or at-sea training. Pay status begin on the day of arrival at the training site or on the effective date of orders, whichever is later, and ends on the day the member or applicant is relieved from such training. There is no entitlement to basic pay while performing authorized travel to or from the training site.

(1) A member is entitled to pay at the rate of 50 percent of the basic pay prescribed for a commissioned officer in pay grade 0–1 with less than 2 years of service.

(2) An applicant for membership in the NROTC program is entitled to basic pay at the rate prescribed for an enlisted member in pay grade E–1.

(3) A member or applicant for membership in the NROTC program is not entitled to longevity increases.

(b) *Special and incentive pay.* A member or applicant for membership in the NROTC program is not entitled to special or incentive pay.

(c) *Allowances.* A member or applicant for membership in the NROTC program is not entitled to allowances while performing field training or at-sea training except as authorized in § 711.802(d).

(d) *Travel and transportation allowances.* A member or applicant for membership in the NROTC program may be furnished travel and transportation allowances as prescribed in paragraph M6004, Joint Travel Regulations.

(e) *Deductions.* The basic pay of a member or applicant for membership in the NROTC program is income subject to withholding for Federal Insurance Contributions Act taxes (FICA).

(f) *Payments.* Scholarship and College Program students will be paid as directed by the commanding officer of the ship or station. Checks will be drawn for those students not present for final payment and forwarded to the commanding officer of the NROTC unit for delivery to the students concerned.

(g) *Subsistence in kind.* All members of the NROTC shall be furnished subsistence in kind while embarked in a naval vessel for at-sea training or while undergoing summer training ashore. When members of the NROTC are subsisted in a mess other than a general

mess, payment for their subsistence will be made by the disbursing officer to the mess treasurer in accordance with existing instructions contained in the Navy Comptroller Manual. NROTC members will have deducted from their subsistence allowance on a per meal basis the charge for Government meals furnished without charge. The total deduction for any day will not exceed one-thirtieth of the subsistence allowance.

§ 711.803 Payments and other benefits in cases of disability or death.

(a) *Entitlement.* A member or applicant for membership in the NROTC who suffers disability from an injury incurred in the line of duty while performing summer training or at-sea training under Chapter 103, Title 10, United States Code, is entitled to:

(1) Pay at the rates prescribed through the day prior to the day he becomes totally disabled (permanent; or temporary if disability exceeds 21 days), or through the third day of temporary total disability if the period of total disability does not exceed 21 days. Benefits under the Federal Employees Compensation Act (FECA) may be payable during the period of disability for which the rates in the Department of Defense Military Pay and Allowances Entitlement Manual are not applicable.

(2) Subsistence, quarters, and necessary medical and surgical care, including hospitalization, while at, or traveling to or from, an installation for medical treatment or examination.

(b) *Members injured while en route to or from summer training or at-sea training.* A member of the NROTC who is injured and hospitalized in the line of duty while en route to or from summer training or at-sea training under Chapter 103 of Title 10, United States Code, is entitled to a subsistence allowance through the day prior to the day he becomes disabled for a period of 21 days or more, or through the third day of disability if the period of disability does not exceed 21 days. FECA benefits may apply to the disability period under these circumstances.

(c) *Suspension of benefits on return to active duty.* Disability benefits payable under § 711.803(a) and 711.803(b) are suspended if the member or applicant returns or enters on active duty with the Armed Forces. They may be reinstated after the member's release from active duty.

(d) *Payments on behalf of deceased members.* Beneficiaries of any members or applicant for membership in the NROTC who suffers death under the conditions specified in the Department of Defense Military Pay and Allowances Entitlement Manual are entitled to:

(1) Death gratuity.

(2) Unpaid pay and allowances.

(3) Servicemen's Group Life Insurance (SGLI). Pub. L. 89–214, Sept. 29, 1965, as amended by Pub. L. 91–291, effective June 25, 1970, provides for SGLI coverage to Reserve Officer Training Corps members.

NOTE.—SECNAVINST 1770.3 contains additional information regarding disability and death benefits for Navy and Marine Corps Reservists.

§ 711.804 Post-Service National Service Life Insurance.

Any member of the NROTC who is separated under other than dishonorable conditions with a service-connected disability is eligible to apply for Post-Service National Service Life Insurance as provided under Section 620 of the National Service Life Insurance Act, as amended and reenacted (38 U.S.C. 403.722). These applications must be filed within one year from the date service-connected of such disability is determined by the Veterans Administration.

§ 711.805 Travel and transportation allowances.

The regulations governing entitlement of NROTC students to travel and transportation allowances are contained in the Joint Travel Regulations and Navy Travel Instructions. Detailed travel instructions for summer training, both afloat and ashore, will be issued each year by the Chief of Naval Education and Training.

§ 711.806 Space available and reduced fare travel.

(a) Under certain conditions NROTC students may be eligible for reduced fares offered by some commercial carriers.

(b) All NROTC Scholarship students, due to their status as midshipmen, Naval Reserve, and those College Program students who are members of the Naval or Marine Corps Reserve are eligible to travel on government aircraft within the United States on a space available basis upon presentation of a valid Armed Forces Identification Card. Those students who are not members of the Naval or Marine Corps Reserve are not eligible to travel on a space available basis.

(c) Space available travel outside the continental United States by Military Airlift Command aircraft is not authorized for any NROTC students.

(d) Students should be advised that travel performed in government aircraft, ship, or vehicle is not reimbursable whether obtained on space available basis or not.

(e) Reserve personnel traveling to or from duty for training are not authorized to travel at military discount fares.

§ 711.807 Federal taxes.

(a) *Federal income tax.* Active duty pay actually received during a calendar year constitutes gross income to the recipients. Subsistence allowances are excluded from gross income. Amounts paid by the Department of the Navy for medical care, tuition, fees, books, laboratory expenses, and uniforms are excluded from the student's gross income.

(b) *Federal Insurance Contribution Act Taxes (FICA).* The basic pay of all NROTC students while engaged in summer training duty of 14 days or more is subject to FICA taxes.

§ 711.808 Uniform allowances.

Upon first reporting for active duty, both Regular and Reserve Officers, commissioned upon completion of NROTC training after October 12, 1964, are entitled to initial and additional active duty uniform allowances of $200 and $100, respectively. The procedures for payment of these allowances are contained in the Navy and Marine Corps Military Pay Procedures Manual (NAVSO P–3007).

§ 711.809 Educational expenses.

(a) *Educational expenses payable by the government.* The Secretary of the Navy is authorized by law to provide, by contract or otherwise, for the payment of tuition, required fees, books, and laboratory expenses of NROTC students for a maximum period of four academic years while receiving naval science instruction at an NROTC institution. Tuition charges, together with such fees as are applicable, for summer work may be paid by the Government for those courses of study or field work which are given only in the summer and which are considered to be integral parts of a student's major course of study, such as geology, mining, civil engineering and the like, and for any summer course of instruction which would advance a midshipman's commissioning date but which would not preclude his meeting all naval science and cruise requirements. Equipment paid for by the Government will include such items as drawing instruments and slide rules when required by the college for a course taken by the student. Benefits shall be paid only for courses approved by the institution and required for the student's degree program. No Government funds shall be expended for courses requiring additional fees that are not specifically required for graduation.

(b) *Dual benefits.*

(1) The Veterans Education and Training Amendments Act of 1970 (Pub. L. 91–219) removed the statutory limitation against dual payments for educational assistance to veterans. NROTC students, if otherwise eligible, may be able to receive educational assistance from the Veterans Administration in addition to benefits from the Navy.

(2) The War Orphans' Educational Assistance Act of 1956 (Sections 1701–1776, Title 38, United States Code) precludes the payment of benefits to or on behalf of any otherwise eligible person during any period when he is enrolled in an educational program authorized by other Federal Laws where payment thereof would constitute a duplication of benefits paid by the Government. NROTC Scholarship students who elect to receive educational benefits under this Act will be placed in a leave status without the financial benefits of the Scholarship Program at the beginning of any academic semester or quarter. Such leave status will continue through one or more complete semesters or quarters, but will be terminated at the end of scholastic work (in May or June) of each year provided the student is scheduled to participate in a summer training period. Dur-

ing the period in which the student is in a leave status for the purpose of obtaining educational benefits under this Act, he will receive no emoluments from the Navy for tuition, fees, books, or subsistence allowance. He will, however, continue attendance at all required naval science classes, laboratory periods, and drills until he has completed the naval science curriculum requirements for a commission. It will be the responsibility of the student to make all of the necessary arrangements with the Veterans Adminstration for the payment of the benefits he is eligible to receive while in a leave status. Detailed information as to the procedure for application for these benefits may be obtained from the Veterans Administration.

(c) *Expenses paid by the individual student.*

(1) Expendable supplies, such as pencils, pens and paper.

(2) Refundable fees such as breakage or required deposits for use of apparatus, breakage charges incurred.

(3) Delinquent fees assessed by the institution for failure to comply with institutional requirements.

(4) Tuition charges and fees for summer work undertaken as a result of past academic deficiencies or failures.

(5) Board, lodging, and other living expenses, including travel not under orders.

Subpart I—Uniforms and Insignia

§ 711.901 Financing.

NROTC clothing expenses are financed from the annual appropriation, "Reserve Personnel, Navy". An Allotment Authorization (NAVCOMPT Form 372) for clothing issues in kind, alteration and/or renovation thereof is granted by the Chief of Naval Education and Training to the Commander, Naval Administrative Command Supply Department, NTC, Great Lakes, Illinois, who, in turn, issues operating targets to the commanding officers of the NROTC units to cover clothing purchases and alteration and/or renovation costs.

§ 711.902 Authorized uniforms.

(a) The Uniform Regulations for NROTC students are contained in U.S. Navy Uniform Regulations, NAVPERS 15665 (Rev).

(b) The policy concerning the wearing of medals and ribbons not specifically authorized for wear by the U.S. Navy Uniform Regulations, NAVPERS 15665 (Rev), shall be determined for each unit by the commanding officer. Such awards as are deemed appropriate by the commanding officer, may be worn by the NROTC students except when on active duty. All such awards shall no longer be worn upon commissioning. From time to time, the Chief of Naval Education and Training may designate certain awards which are considered appropriate for use by all NROTC units.

§ 711.903 Uniform outfit.

(a) An outfit of essential uniforms shall be furnished to each NROTC student after enrollment in accordance with CNET Instruction 1020.4A.

(b) Students may purchase uniforms and articles of regulation clothing at their own expense from the Naval Uniform Shop. Navy exchanges or clothing and small stores, or civilian uniform outlets.

(c) Commutation in lieu of uniforms for enrolled members of the NROTC may be provided at certain NROTC units in accordance with CNET Instruction 7220.2A.

§ 711.904 Summer training uniforms.

In view of the fact that a number of students will be disenrolled from the program prior to participating in their first summer training, professors of naval science should issue only those items of uniform that will be used during the first half of the academic year, rather than including thereon all items necessary to make up a full bag. In this way, the cost to the Navy of those items issued only for summer training purposes will be substantially reduced.

§ 711.905 Requisitioning clothing.

Requisitions for clothing will be submitted by the commanding officer of NROTC units to:

Commander, Naval Administrative Command, Supply Department, Building 3200, Naval Training Center, Great Lakes, IL 60088

§ 711.906 Alterations to NROTC uniforms.

Major alterations to NROTC uniforms are not authorized. In the fitting of uniforms for NROTC students, certain minor alterations such as adjustments in sleeve lengths, trouser lengths, or waist size may be necessary and are authorized. Such alterations are to be charged to the appropriate expenditure account number as listed in the Navy Comptroller Manual, Volume 2, Chapter 4, under the appropriation "Reserve Personnel, Navy" for the current fiscal year. Allotments of funds for this purpose are granted to the commanding officers of the NROTC units.

§ 711.907 Marking uniforms.

In order to avoid any permanent disfiguration of uniform items during their first year of use, freshmen should not permanently mark uniforms until making preparations for summer training. In this way, uniforms returned by disenrolled freshmen will be in a better condition for reissue.

§ 711.908 Wearing the uniform.

(a) The uniform will be worn on such occasions as prescribed by the professor of naval science or the senior officer present. Normally, this will be at drills, ceremonies, and during periods of summer training.

(b) The cost of cleaning and laundering of midshipmen uniforms and clothing during the academic year as well as during summer training periods shall be the responsibility of the midshipman.

§ 711.909 Academic achievement stars.

The awarding of academic achievement stars for students of all classes will be authorized according to the universities' policy of citation for high academic performance. No limitation shall be placed upon the numbers of stars awarded to any class. Candidates must additionally qualify by maintaining satisfactory grades in aptitude and conduct. A star once awarded may be worn for as long as the qualifications for the award are maintained by the student.

§ 711.910 Replacement and return of clothing by Government.

(a) It may be necessary to furnish certain students with replacements for articles of clothing which they have outgrown. In such cases, the professor of naval science is authorized to make such issues as required.

(b) Gray gloves and black four-in-hand tie are considered articles of uniform and are issued for wear only with the uniform. Replacement by government issue of these items becoming unfit for use because of wear shall be limited to those instances where it appears that the items have been used as directed. It is believed that, with proper care, and except for unusual circumstances, one pair of gray gloves should be sufficient for the normal undergraduate period and that the black necktie should last at least two years.

(c) Insignia should be used as long as they are serviceable but should not be retained by the individuals. This is particularly true of such items as shoulder marks and rank insignia. Shoulder marks should last an average of three years. Class and rank insignia, if properly handled and cared for, should serve for two years.

§ 711.911 Replacement of uniform clothing by students.

(a) Each NROTC student is expected to replace, at his own expense, Navy-issued uniform clothing items that are lost, mutilated, or destroyed through his negligence or carelessness. While replacement in kind is preferred, the professor of naval science may require cash restitution when he considers this action to be in the best interests of the Government.

(b) When Navy-issued clothing items are lost, multilated, or destroyed through negligence or carelessness, the professor of naval science should take action to assure that the matter is suitably reflected in the records of NROTC students responsible. This should be done without regard to replacement of or reimbursement for such items. Replacement or reimbursement, and attitudes attending such action or the failure to take such action, are matters in mitigation or aggravation which the records of the individuals should also contain.

(c) The Naval Uniform Shop, 3rd Avenue and 29th Street, Brooklyn, NY 11232, will accept orders for distinctive articles of clothing and insignia from NROTC students subject to Article 913 and the following:

(1) In the case of NROTC students not in the graduating class, orders will be accepted on a prepaid basis only.

(2) Each order must be approved by the professor of naval science and certified that the articles included on the

order are required for use of the individual while an NROTC student.

(3) Price lists, order blanks and detailed instructions concerning ordering will be furnished to each professor of naval science by the Naval Uniform Shop.

(d) As indicated in the preceding article, gray gloves and black four-in-hand ties are considered articles of uniform and are issued for wear only with the uniform. Abnormal replacement, due to the fact that these articles have not been used as directed, shall be at the expense of the student and not by government issue.

(e) If clothing or equipment issued to a student is lost, and the professor of naval science determines that the student is not at fault, the material will be surveyed and stricken from all records and a new issue be accomplished to the student. A statement by the professor of naval science will be entered in the student's record indicating action taken and that no disciplinary action was deemed required or taken.

§ 711.912 Purchases from clothing and small stores retail store.

The sale of clothing and small stores to NROTC students is authorized under the provisions of paragraph 42002–6, NAVSUP Manual. Where clothing and small stores retail stores are in the vicinity of NROTC units, purchases should be made in person whenever possible. Money orders for clothing and small stores may be sent to the nearest naval activity having a clothing and small stores retail store. Such mail orders will be handled in accordance with paragraph 42001, NAVSUP Manual, and should be forwarded via the professor of naval science. Purchase of shoes by mail is not considered practicable due to possibility of misfits.

§ 711.913 Purchases from naval uniform shop.

(a) NROTC students not in the graduating class are accorded the privileges of the Naval Uniform Shop on a prepaid basis to supply themselves with items of equipment and uniforms. Orders must bear the approval of the professor of naval science.

(b) NROTC students in the graduating class are accorded deferred collection privileges by the Naval Uniform Shop for items of officers' clothing required as prescribed in U.S. Navy Uniform Regulations, for initial outfitting only, under the following terms:

(1) Deferred collection accounts will not exceed the amount of $400.00. Orders in excess of $400.00 may be accepted if accompanied by prepayment in the amount necessary to reduce balance due to $400.00.

(2) Accounts are payable in a maximum of six monthly installments, with the first payment due one month from date of graduation.

(3) The minimum monthly payment shall not be less than $60.00.

(4) Upon receipt of the uniform allowance, the unpaid balance due the Naval Uniform Shop will be liquidated immediately.

(c) Upon receipt of an order showing authorization by the professor of naval science, the Naval Uniform Shop will furnish the student with a statement of terms of payment, based on the deferred collection plan, together with a certificate providing for a definite commitment to pay. The commitment will be signed by the student and returned, immediately, to the Navy Uniform Shop.

§ 711.914 Purchases from ship's stores afloat and Armed Forces exchanges.

(a) Members of the NROTC on active duty for training purposes for periods in excess of seventy-two hours are entitled to all Ship's Stores Afloat and Armed Forces Exchange privileges.

(b) Members of the Naval Reserve not in an active duty, drill, or training status shall be entitled to purchase necessary articles of uniform clothing and accoutrements in such quantities as would be required immediately when called to active duty.

§ 711.915 Clothing receipts.

(a) NROTC students, upon initial and all subsequent issues of clothing, shall be required to sign a receipt.

(b) These receipts shall be filed in the local records maintained for each student.

§ 711.916 Return of uniforms.

(a) While all uniform outfits, except for the organizational items, normally shall be considered to be gratuitous, NROTC students shall be informed at the time of issue that if they are disenrolled prior to the successful completion of their training and qualifying for commissions, they will be required to return all articles of uniform to the professor of naval science.

(b) Professors of naval science shall make diligent efforts to recover clothing from disenrolled students.

(c) In the event clothing is not recovered, and replacement in kind has not been made, the disenrollee shall make cash restitution therefor in the form of a check or money order made payable to the Treasurer of the United States and sent to the Commander, Naval Administrative Command, Naval Training Center, Great Lakes, IL 60088.

(d) If neither recovery nor restitution is effected, the appropriate school authorities shall be so notified, and the professor of naval science shall forward a statement to the Chief of Naval Education and Training for insertion in the permanent naval record of disenrollee. CNET Report Symbol 1020–1 applies.

§ 711.917 Return of excess clothing.

(a) Commanding officers are authorized to retain at the unit adequate uniform items to meet normal uniform issue requirements as well as outfitting for summer training. This does not include stocks of women's clothing required for initial outfitting. Commanding officers will take action to ensure that the amount of initial outfitting uniform items on hand does not exceed the average annual issues as demonstrated by the unit during the three preceding years. Clothing in excess of normal uniform issue requirements and in excess of summer training requirements will be returned to the supplying activity.

(b) Used clothing determined to be unfit for reissue will be surveyed and disposed of locally in lieu of return to the supplying activity.

Subpart J—Facilities, Supplies, and Equipment

§ 711.1001 Facilities, equipment and services provided by NROTC institutions.

(a) The proper and efficient operation of a standard size NROTC unit of 300 students requires certain physical spaces and facilities as follows:

(1) CLASSROOMS (5), three of which have a normal capacity of 35 students; one of which has a normal capacity of 50 students; one of which with a capacity of 35 students, contains a minimum floor area of 1,000 square feet for use as navigation workroom.

(2) OFFICES (8), seven of which contain a minimum floor area of 200 square feet each; one of which contains a minimum floor area of 300 square feet.

(3) CLOTHING AND TEXTBOOK STORAGE AND ISSUE SPACE, one room having a minimum floor area of 1,000 square feet, and possessing two entrances.

(4) DRILL SPACE, INDOOR, of approximately 4,000 square feet available, with space for secure storage of rifles, and other NROTC equipment.

(5) AUDITORIUM, of adequate size for assembly of entire unit, available for use at various times. Usage to be determined in advance in keeping with standard procedure in effect at the institution.

(6) DRILL FIELD, any readily accessible, level, grass-covered, unobstructed area, with a minimum of 8,000 square yards.

(7) SWIMMING POOL, available for NROTC students.

(b) NROTC institutions are expected to provide the specified or comparable facilities including equipment in the same manner that facilities are provided for other academic departments.

(c) The institution also normally provides a full-time civilian secretary to assist the professor of naval science in connection with his duties as head of a major academic department.

(d) Educational services provided by NROTC institutions are procured in accordance with the procedures prescribed by CNET Instruction 1533.10.

§ 711.1002 Protection of Naval property.

(a) *Custodian.* The professor of naval science will be the custodian of all Navy property. Issuance of and accounting for this property will be in accordance with standard Navy practice as provided by the NAVSUP Manual, the Navy Comptroller Manual and directives from the Chief of Naval Education and Training.

(b) *Care and safekeeping of equipment.* The professor of naval science is responsible for the care and safekeeping of all equipment which has been issued to

him and for seeing that proper precautions are taken to prevent the equipment from being improperly used and from falling into the hands of irresponsible persons. Technical ordnance and electronic equipment shall receive adequate preventive maintenance. Assistance shall be requested for material deficiencies which cannot be corrected locally. Equipment in excess of allowances shall be promptly disposed of in accordance with current directives.

(c) *Responsibility of the institution.* The institution is expected to take the same precautions and to provide the same safeguards for the protection of Naval property as it does for the protection of its own property. The professor of naval science will report to the proper authorities of the institution, in writing, any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Naval property against loss through fire, flood, theft, tornado, or other causes. In the event that proper attention is not paid to such communication, report will be made to the Chief of Naval Education and Training with a copy to the district commandant.

(d) *Report of inspector or protective measures.* Inspectors visiting NROTC units will include within the purview of their inspection, the precautions taken by institutions and their employees, to protect Government property from loss, destruction, or damage by fire, flood, theft, tornado, or other causes. In such inspection, the inspector will submit a report to the Chief of Naval Education and Training, with a copy to the district commandant stating whether or not every reasonable precaution is being observed. If an unfavorable report is submitted, the defects will be stated in detail and a copy will be furnished to the head of the institution concerned. Access to all previous reports on Government property protection will be given the surveying officers.

(e) *Fire insurance.* An institution is not required to carry fire insurance on Naval property.

§ 711.1003 Educational services, materials, supplies and equipment provided by the Government.

(a) *Funds administered centrally by the Chief of Naval Education and Training.* Education expenses consisting of tuition, fees, books, laboratory expenses, and items of equipment such as drawing instruments and slide rules, when required by the institution for a course taken by the student, will be procured in accordance with current instructions issued by the Chief of Naval Education and Training.

(b) *Equipment and supplies furnished by Navy Commands.*

(1) Equipment and supplies will be obtained by requisition, using current procedures and requisitioning channels.

(2) Certain items of a technical nature may be obtained by letter request to the cognizant command via the Chief of Naval Education and Training in accordance with the NAVSUP Manual.

(c) *NROTC unit operation and maintenance funds.* The Chief of Naval Education and Training grants operating targets for operation and maintenance of NROTC units directly to the commanding officers. Estimates of required funds and execution of the annual budget for each NROTC unit will be governed by budget-call guidance issued by CNET annually.

(d) *Payment for advertising.* In accordance with Section 3702, Title 44, United States Code, prior to advertising in newspapers, trade journals, and similar publications, written authority to advertise must be received from the Secretary of the Navy or from a person who has received written delegation of authority from the Secretary of the Navy. Such delegation of authority cannot be redelegated.

§ 711.1004 Return of textbooks, supplies and equipment.

(a) Books paid for by the Government fall into two categories, naval science and non-naval science. Surplus, obsolete and excess inventories of naval science publications should be listed in the Annual Inventory of Books (CNETS 1552/1). Disposition instructions will be forwarded upon review of the Annual Inventory of Books. CNET Report Symbol 1550–3 applies.

(b) All naval science textbooks, nonconsumable supplies and items of equipment issued to NROTC students shall be collected by the professor of naval science for reissue.

(c) All non-naval science textbooks furnished to NROTC Scholarship students will, at the end of each semester, term, summer session or at the end of the course for which a particular textbook is used, be collected by the professor of naval science who will (1) hold for reissue those books which will be required by students in the future and are suitable for reissue, and (2) turn in to bookstores, when possible, those books which do not fall into category (1), above, for an exchange allowance to be credited against the purchase of books under current contract. Professors of naval science may offer used textbooks for sale to midshipmen at the same price that bookstores would pay for these books. Students who lose books or let them be damaged through their fault or neglect shall be charged at this same rate. When the books concerned are obsolete or not exchangeable, the professors of naval science will report them to the cognizant naval district material officer for disposal in accordance with the Defense Disposal Manual 4160.21–M.

§ 711.1005 Transportation of supplies and equipment.

(a) *Material to be shipped.* When other than mailable material is to be shipped at Government expense, shipping instructions will be issued by the Naval Administrative Command, Traffic Branch, NTC, Great Lakes, Illinois, upon receipt of a request from the commanding officer. When requesting shipping instructions, the following information will be supplied: (1) Complete description of the articles to be shipped, (2) manner in which articles have been prepared for shipment (boxes, crates, bundles, etc.), (3) Name of consignee and destination address, (4) estimated total weight of shipment, and (5) anticipated date of shipment. This information is necessary so that the Government bills of lading may be issued.

(b) *Material received.* When supplies are received from commercial carriers, the Government bills of lading will be accomplished in accordance with the provisions of Defense Supply Agency Regulation, DSAR 4500.3.

§ 711.1006 Accounting for supplies and equipment.

(a) Transfers of consumable supplies and plant property to a unit of the Naval Reserve Officers' Training Corps will be invoiced per instructions in the NAVSUP Manual, Volume II and the Navy Comptroller Manual, Volumes II and III, through the designated accounting activity for the unit and charged to the unit's accounting number.

(b) Issues of consumable supplies to units of the Naval Reserve Officers' Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the unit.

(c) Issues of Plant Property Class 3 to units of the Naval Reserve Officers Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the district headquarters in which the unit is located. The value of the plant property will be carried on the plant account records of the designated accountable activity. (See the Navy Comptroller Manual, Volume II, Chapter 5, and Volume III, Chapter 6.)

(d) Upon receipt of property covered by a shipment order, the copy of the shipment order which is mailed to the consignee will be completed and immediately forwarded to the accountable activity for the headquarters of the district in which the unit is located.

(e) When equipment or expendable supplies are received accompanied by invoices, the material will be checked and a certificate of receipt placed on the original and one copy of the invoice by the professor of naval science, showing the date the material was received. The professor of naval science will comply with current accounting instructions promulgated by the Naval Administrative Command, Naval Training Center, Great Lakes, Illinois.

(f) The professor of naval science will assist and cooperate with the responsible fiscal officer in the reporting of plant property located in the NROTC unit in compliance with instructions outlined in the Navy Comptroller Manual, Volume III, Chapter 6.

§ 711.1007 Inventory.

(a) Physical inventories of plant property will be conducted as specified in the Navy Comptroller Manual, Volume III,

Chapter 6. The officer carrying the plant account of the NROTC unit will be responsible for coordinating, supervising and instituting local procedures to insure the complete and accurate physical inventorying of the plant property of the unit. The professor of naval science will assist and cooperate with the fiscal officer in the conducting of physical inventories.

(b) On March 31 of each year, an annual inventory of books will be submitted on form CNETS 1552/1 showing the naval science books actually on hand on that date. All columns of the above report will be filled, and the report signed by the professor of naval science. CNET Report Symbol 1550–3 applies.

§ 711.1008 Surveys.

(a) Authorized or prescribed Government property, worn out or damaged by fair wear and tear, incident to the use of the property in NROTC instruction will be replaced in accordance with existing procedures. The original and two copies of the approved survey will be forwarded to the Chief of Naval Education and Training. In the event the survey report designates the unserviceable property to be shipped to a naval shipyard or naval station for salvage or repair, shipment of such material, where transportation is involved, will be made on Government bills of lading and in accordance with instructions issued by the Commander, Navy Supply Systems Command. Surveyed material will be held on the records of the units until copy of invoice covering the material is received from the consignee.

(b) Property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes will be replaced in accordance with existing procedures. A survey will be held and handled as stated above. A copy of each survey shall be forwarded to the designated accounting activity of the unit.

Subpart K—Form for Application for Establishment of an NROTC Unit

§ 711.1101 Application Form.

_____
(Date)

To: Chief of Naval Education and Training (Code N–12), Naval Air Station, Pensacola, FL 32508.

Subj: Application for establishment of a unit of the Naval Reserve Officers Training Corps.

1. By direction of the governing authorities of _____, application is hereby submitted for the establishment of a unit of the Naval Reserve Officers Training Corps at this institution.

2. Should this application be accepted by the Secretary of the Navy, this institution agrees to the establishment and maintenance of a course of professional naval education under a Department of Naval Science, staffed with Naval Personnel and in accordance with Title 11 ROTC Vitalization Act of 1964 (Public Law 88–647, 78 Stat. 1064; Chapter 103, Title 10, U.S. Code). This course, equal in standing with major courses in other departments, will comprise instruction in naval science carrying the same weight toward a degree as the same number of hours in any other subject in the university's curriculum. Students who successfully meet the course requirements outlined for the Naval Reserve Officers Training Corps including approximately twenty-four semester or equivalent quarter hours of naval science, will be considered for the appropriate degree.

3. The institution will provide space for classrooms, offices, equipment, and drill for a normal size unit of 300 in accordance with the following minimum requirements:

CLASSROOMS (5), three of which have a normal capacity of 35 students; one of which has a normal capacity of 50 students; one of which with a capacity of 35 students, contains a minimum floor area of 1,00 square feet for use as a navigation workroom.

OFFICES (8), seven of which contain a minimum floor area of 200 square feet each; one of which contains a minimum floor area of 300 square feet.

CLOTHING AND TEXTBOOK STORAGE AND ISSUE SPACE, one room having a minimum floor area of 1,000 square feet, and possessing two entrances.

DRILL SPACE, INDOOR, of approximately 4,000 square feet available, with space for secure storage of rifles and other NROTC equipment.

AUDITORIUM, of adequate space for assembly of entire unit, available for use at various times. Usage to be determined in advance in keeping with standard procedure in effect at the institution.

DRILL FIELD, any readily accessible, level, grass-covered, unobstructed area, with a minimum of 8,000 square yards.

SWIMMING POOL, available for NROTC students.

4. It is understood that annual production of 25 commissioned officers if required to maintain an NROTC unit in an economical status.

5. This institution also agrees to promote and further the objectives of the Naval Reserve Officers Training Corps and to conform to the regulations of the Department of the Navy relating to the operation of the unit and to the care, use, safekeeping and accounting for such Government property as may be issued for use by the unit.

Subpart L—Universities and Colleges Where NROTC Units Are Established

§ 711.1201 NROTC units.

Auburn University, Auburn, AL 36830
California, University of Berkeley, CA 94720.
California at Los Angeles, University of, Los Angeles, CA 90024.
The Citadel,[1] Charleston, SC 29409.
Colorado, University of Boulder, CO 80304.
Cornell University, Ithaca, NY 14850.
Duke University, Durham, NC 27706.
Florida, University of, Gainesville, FL 32601.
Florida A. & M., Tallahassee, FL 32307.
Georgia Institute of Technology, Atlanta, GA 30332.
Holy Cross, College of, Worcester, MA 01610.
Idaho, University of, Moscow, ID 83843.
Illinois, University of, Champaign, IL 61820.
Illinois Institute of Technology, Chicago, IL 60616.
Iowa State University of Science and Technology, Ames, IA 50010.
Jacksonville University, Jacksonville, FL 32211.
Kansas, University of, Lawrence, KS 66045.
Louisville, University of, Louisville, KY 40208.
Maine Maritime Academy,[1] Castine, MA 04421.
Marquette University, Milwaukee, WI 53233.
Massachusetts Institute of Technology, Cambridge, MA 02139.
Miami University, Oxford, OH 45056.
Michigan, University of, Ann Arbor, MI 48104.
Minnesota, University of, Minneapolis, MN 55455.
Mississippi, University of, University, MS 38677.
Missouri, University of, Columbia, MO 65201.
Nebraska, University of, Lincoln, NE 68508.
New Mexico, University of, Albuquerque, NM 87106.
North Carolina, University of, Chapel Hill, NC 27514.
North Carolina Central University, Durham, NC 27707.
Northwestern University, Evanston, IL 60201.
Notre Dame, University of, Notre Dame, IN 46556.
Ohio State University, Columbus, OH 43210.
Oklahoma, University of, Norman, OK 73069.
Oregon State University, Corvallis, OR 97331.
Pennsylvania, University of, Philadelphia, PA 19104.
Pennsylvania State University, University Park, PA 16802.
Prairie View A&M College of Texas, Prairie View, TX 77445.
Purdue University, West Lafayette, TN 47907.
Rensselaer Polytechnic Institute, Troy, NY 12181.
Rice University, Houston, TX 77001.
Rochester, University of, Rochester, NY 14627.
Savannah State College, Savannah, GA 31404.
South Carolina, University of, Columbia, SC 29208.
Southern California, University of, Los Angeles, CA 90007.
Southern University and A&M College, Baton Rouge, LA 70813.
State University of New York,[1] Maritime College, Fort Schuyler, Bronx, NY 10465.
Texas A&M, College Sta., TX 77843.
Texas, University of, Austin, TX 78712.
Tulane University of Louisiana, New Orleans, LA 70118.
Utah, University of, Salt Lake City, UT 84112.
Vanderbilt University, Nashville, TN 37203.
Villanova University, Villanova, PA 19085.
Virginia Military Institute,[1] Lexington, VA 24450.
Virginia, University of, Charlottesville, VA 22903.
Washington, University of, Seattle, WA 98105.
West Florida, University of, Pensacola, FL 32504.
Wisconsin, University of, Madison, WI 53706.

Dated: June 25, 1976.

LARRY G. PARKS,
Assistant Judge,
Advocate General (Civil Law).

[FR Doc.76–19087 Filed 7–1–76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

PART 224—GROUPS AND DEPARTMENTS

Revisions in Postal Service Organization

This document constitutes a revision of parts of existing 39 CFR Part 224 to

[1] Admit male students only, at present time, for regular enrollment. At such time as any of these schools (marked with asterisks) should accept female students, the NROTC Program will also accept them at these schools.

reflect changes in the organization of the Employee and Labor Relations Group (§ 224.2), the Customer Services Department (§ 224.1(c)(4)), and the Real Estate and Buildings Department (§ 224.1 (c)(2)) of the Postal Service. Also, the statement of organization of the Board of Contract Appeals is amended (§ 224.1 (c)(5)(v)(B)).

(39 U.S.C. 401(2))

ROGER P. CRAIG,
Deputy General Counsel.

1. In § 224.1, effective July 3, 1976, paragraph (c)(2) is revised to read as follows; effective August 28, 1976, paragraph (c)(4) is revised to read as follows; and effective immediately, paragraph (c)(5)(v)(B) is revised to read as follows:

§ 224.1 Administration Group.

* * * * *

(c) * * *

(2) *Real Estate and Buildings Department.* The Real Estate and Buildings Department is headed by the Assistant Postmaster General, Real Estate and Buildings. It is responsible for acquisition, design, construction, modification, repair, improvement, maintenance management and disposition of postal facilities and real estate. This includes:

(i) Formulating, administering, and reviewing policies, programs, and procedures for the design, acquisition, management, repair, upkeep, improvement, maintenance and disposal of real property used or to be used by the Postal Service, and of utilities and building equipment, including responsibility for their installation;

(ii) Exercising procurement authority of the Postal Service over real estate, real estate facility design, and construction services contracts, including repair and improvement;

(ii) Advising and assisting operating organizations and regions in establishing building project priorities based on financial and technical considerations;

(iv Providing technical guidance during the phase-in of new facilities and mechanization, and conducting post-installation reviews to evaluate prior planning and plant and equipment design and arrangement;

(v) Providing for installation of conventional mechanization systems;

(vi) Developing procurement policies in those areas unique to real estate, architect-engineer, and construction contracting, including repair and improvement;

(vii) Establishing national plant and equipment maintenance policies and programs, including the establishment of maintenance management systems, maintenance of an up-to-date, effective maintenance documentation system, and provision of a full range of maintenance support services to the field; and

(viii) Providing functional guidance to the regional Real Estate & Buildings Departments and Maintenance Management Divisions.

* * * * *

(4) *Customer Services Department.*

(i) The Customer Services Department is headed by the Assistant Postmaster General, Customer Services. It is responsible for:

(A) Analysis, development, adjustment and marketing of all postal products and services;

(B) Establishment of policy for, and the functional management of, the Postal Service's retail and sales operations and provision of functional guidance to the regional Customer Services Departments;

(C) Management of the design, production and distribution of postage stamps and postal stationery;

(D) Representation of the interests of individual consumers, including responding to consumer needs and problems;

(E) Liaison with postal systems of other countries and representation of the United States in the Universal Postal Union and the Postal Union of the Americas and Spain (PUAS);

(F) Conduct of market research and diagnostic service analysis;

(G) Liaison with postal customers, including the planning and implementation of the National Postal Forum; and

(H) Development and execution of the Postal Service's advertising and promotion programs.

(ii) The Customer Services Department is divided into the following five divisions and offices.

(A) *Planning and Management Division.* The Planning and Management Division is responsible for the development and management of the planning, budgeting, manpower administration, and other administrative functions of the Customer Services Department.

(B) *Customer Programs Office.* The Customer Programs Office consists of the Stamps Division, the Retail Operations Division, the Sales Division, and the Special Events Division, and is responsible for:

(*1*) Functional management of the retail and sales operations of the U.S. Postal Service;

(*2*) Management of the postage stamp program;

(*3*) Field execution of Postal Service marketing and customer programs to generate revenue and/or reduce costs;

(*4*) Liaison with major customers, customer councils and associations of large mailers;

(*5*) Direction of the National Postal Forum;

(*6*) Provision of a national philatelic mail order service; and

(*7*) Provision of policy interpretation and program guidance on customer programs matters to the regional Customer Programs Divisions, through the Assistant Postmaster General, Customer Services Department.

(C) *International Postal Affairs.* The Office of International Postal Affairs is responsible for:

(*1*) Provision of policy guidance on the international postal affairs of the U.S. Postal Service;

(*2*) Representation of the United States in the Universal Postal Union (UPU) and Postal Union of the Americas and Spain (PUAS);

(*3*) U.S. Postal Service liaison with all foreign postal administrations;

(*4*) Negotiation, conclusion and administration of bilateral and multilateral postal treaties and agreements with foreign governments;

(*5*) Liaison with the Department of State;

(*6*) Maintenance of an information exchange program with selected foreign postal administrations; and

(*7*) Management of technical cooperation activities with respect to the training of foreign postal officials in the United States, the exchange of USPS and foreign postal officials, and the programming and conduct of visits of foreign postal officials.

(D) *Marketing Programs Office.* The Office of Marketing Programs consists of the Marketing Services Division, Expedited Mail Services Division, Regular Mail Services Division, Philatelic Marketing Division, and Advanced Services Division, and is responsible for:

(*1*) Development and execution of all marketing programs within the Postal Service;

(*2*) Establishment of policy and objectives for promotion and advertising programs within the Postal Service;

(*3*) Comprehensive review and analysis of Postal Service products and services, including in the areas of technical performance, customer acceptance, financial performance, and market performance, and the recommendation to management of adjustments to existing products and services and the institution of new products and services;

(*4*) Collaboration with other departments and offices to insure a free flow of information regarding those product features which affect postal services in the marketplace;

(*5*) Provision of market analysis and research, and diagnostic service testing and analysis, generally, and particularly, provision of information and projections on products and services to the Offices of Operational and Strategic Planning for both long- and short-range planning efforts, and provision of analysis and recommendations to the Rates and Classification Department regarding rates; and

(*6*) Provision of policy interpretation and program guidance on marketing programs to the regional Customer Services Departments through the Assistant Postmaster General, Customer Services Department.

(E) *Consumer Affairs Office.* (*1*) The Consumer Affairs Office is responsible for representation of the individual mail user within the Postal Service; recommendation of policy changes to improve individual user's mail service; liaison with consumer groups; and expeditious action on customer inquiries and complaints and for seeing that the responsible office takes corrective action.

(*2*) The Consumer Affairs Office consists of the Consumer Response Division

and the Consumer Support Division. The Consumer Response Division is responsible for the investigation of, and response to, customer inquiries and complaints; the recommendation of policy changes, through the Consumer Advocate, to improve individual user's mail service; and the development and implementation of special projects to identify service improvement opportunities. The Consumer Support Division is responsible for administration of the national Consumer Service Card program; control of correspondence for the Office; provision of secretarial and clerical support to the Consumer Response Division; and development, integration, and analysis of complaint data, providing recurring as well as special tabulations.

(5) *Judicial Officer.*

* * * * *

(v) Board of Contract Appeals:

* * * * *

(B) The Board of Contract Appeals of the Postal Service is composed of the Judicial Officer as chairman and the Administrative Law Judges of the Postal Service. In general, appeals are assigned to a panel of at least three members of the Board.

2. Effective immediately, § 224.2 is revised to read as follows:

§ 224.2 Employee and Labor Relations Group.

(a) The Employee and Labor Relations Group is headed by the Senior Assistant Postmaster General, Employee and Labor Relations, who reports to the Postmaster General. It is responsible for:

(1) Establishment, implementation, and monitoring of broad goals, policies, and procedures for all employee and labor relations functions;

(2) Establishment of appropriate policy for achieving labor relations goals and activities associated with collective bargaining and contract negotiation;

(3) Determination of program emphasis for activities conducted by the Employee Relations Department, Labor Relations Department, Office of Postmaster Selection, Office of Compensation and Office of Organization Management;

(4) Providing advice to the Postmaster General on collective bargaining agreement negotiation, contract administration, and grievance and arbitration administration precedents;

(5) Coordination and analysis of the Employee and Labor Relations Group financial, directives control and planning activities;

(6) Administration of the Special Job Evaluation Review Panel;

(7) Maintenance of liaison with the Management Associations for consultation meetings; and

(8) Providing fuctional guidance to the regional Employee and Labor Relations Departments.

(b) The Employee and Labor Relations Group consists of two departments, each headed by an Assistant Postmaster General, and three offices, each headed by a Director. Description of these departments and offices follows:

(1) *Employee Relations Department.* The Employee Relations Department is responsible for the development, implementation, and monitoring of a comprehensive employee relations program for the Postal Service. This includes:

(i) Provision of medical, safety, environmental improvement, suggestion and awards, and injury compensation programs, and headquarters personnel services;

(ii) Administration of all managerial, technical, and employee training programs as assigned to the Postal Service Training and Development Institute;

(iii) Establishment and monitoring of non-postmaster employee selection and performance evaluation policies and procedures, including associated personnel actions and records programs;

(iv) Provision for employee career development programs;

(v) Establishment of all system-wide employee and labor relations computer-oriented information systems;

(vi) Determination of non-bargaining discipline policies, practices, and procedures;

(vii) Development, implementation, and monitoring of the Postal Service equal employment opportunity programs for affirmative action, evaluation, and appeals;

(viii) Establishment of programs to improve the quality of working life within selected post offices;

(ix) Establishment of an executive career development program; and

(x) Provision of policy interpretation and program guidance on employee relations matters to the regional Employee Relations Divisions through the Senior Assistant Postmaster General, Employee and Labor Relations Group.

(2) *Labor Relations Department.* The Labor Relations Department is responsible for:

(i) Negotiation and interpretation of all collective bargaining agreements entered into by the USPS;

(ii) Providing for coordination, development, and implementation of programs affecting all bargaining unit employees;

(iii) Determination of the appropriate craft designation of new or changed jobs;

(iv) Establishment, implementation, and monitoring of a national policy concerning reassignments of bargaining unit employees;

(v) Development of policies and procedures for the national grievance and arbitration programs; and

(vi) Provision of policy interpretation and program guidance on labor relations programs to the regional Labor Relations Divisions through the Senior Assistant Postmaster General, Employee and Labor Relations Group.

(3) *Office of Compensation.* The Office of Compensation is responsible for:

(i) Development and implementation of policies and programs for job evaluation, analysis, and review, and associated appeals procedures;

(ii) Establishment of a comprehensive program of compensation services, including employee retirement, death, leave, insurance and health benefits, unemployment compensation, merit performance, and pay;

(iii) Coordination of activities with the Office of Organization Management;

(iv) Provision of policy interpretation and program guidance on compensation matters to the regional Compensation Divisions through the Senior Assistant Postmaster General, Employee and Labor Relations Group.

(4) *Office of Postmaster Selection.* The Office of Postmaster Selection is responsible for:

(i) Development of policies, procedures, and guidelines for the Postmaster Selection Program governing the operations of national and regional selection boards;

(ii) Coordination of the nomination, selection and evaluation of board members;

(iii) Coordination and review of final selection of postmaster applicants before presentation to the Postmaster General for appointment;

(iv) Development, implementation, and monitoring of policies and procedures for selection and appointment of postmasters and officers-in-charge;

(v) Analysis of recommendations to the Postmaster Merit Selection Board and management actions to ensure program objectivity; and

(vi) Provision of policy interpretation and program guidance on postmaster selection to the regional postmaster selection units through the Senior Assistant Postmaster General, Employee and Labor Relations Group.

(5) *Office of Organization Management.* The Office of Organization Management is responsible for the establishment of staffing patterns for all bargaining and non-bargaining positions, of new and revised organization structures, of long-range organization planning, and of a comprehensive plan for organization analysis of headquarters units, and for the development and implementation of policies, programs, and procedures for the review and audit of staffing patterns and organization structure in headquarters, the regions, and the field.

[FR Doc.76-19152 Filed 7-1-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP6E1678/R100; FRL572-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D

On April 8, 1976, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 14899) pursuant to section 408(a) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.142 to include the post-

harvest application of the alkanolamine salts of 2,4-dichlorophenoxyacetic acid (2,4-D) to those uses that contribute to the existing 5 part per million (ppm) tolerance for residues of 2,4-D in or on the raw agricultural commodity citrus fruits.

This action was taken in response to pesticide petition (PP 6E16678) submitted to the Agency by Dr. R. T. Guest, Assistant Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903. No comments or requests for referral to an advisory committee were received with regard to this notice of proposed rulemaking.

Effective on the date of publication in the FEDERAL REGISTER, therefore 40 CFR 180.142 is amended as proposed. This amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before August 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 2, 1976, 40 CFR 180.142 is amended as set forth below.

Dated: June 28, 1976

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.142, is amended by revising subparagraph (a) to include the new use "fungicide", and to include the postharvest application of the alkanolamine salts of 2,4-D to those uses that contribute to the existing 5 ppm tolerance for residues of 2,4-D in or on citrus fruits, to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide, plant regulator, and fungicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on raw agricultural commodities as follows: 5 parts per million in or on apples, citrus fruits, pears and quinces. The tolerance on citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester and from the postharvest application of 2,4-D alkanolamine salts to citrus fruits, and from the postharvest application of the 2,4-D isopropyl ester to lemons.

* * * * *

[FR Doc.76-19306 Filed 7-1-76;8:45 am]

[OPP-300009A; FRL 572-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

Pursuant to section 406(e) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER of April 29, 1976 (41 FR 17946) a notice of proposed rulemaking to amend 40 CFR 180.1001 by exempting certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements. No comments or requests for referral to an advisory committee were received with regard to this proposed amendment to the regulations.

With the exception of editorial changes to correct typographical errors, it has been concluded that the amendment to 40 CFR 180.1001 be adopted as proposed, and it has further been concluded that these exemptions from the requirement of a tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before August 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 2, 1976, Part 180, Subpart D, section 180.1001 is amended as set forth below.

Dated: June 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

40 CFR Part 180, Subpart D, section 180.1001 is amended by deleting the item "α-alkyl-(C^6–C^{10}) - ω - hydroxypoly (oxypropylene) * * *" in paragraphs (c) and (e), by revising the items "naphthalenesulfonic acid-formaldehyde condensate * * *" in paragraph (d) and "poly (oxypropylene) block polymer with poly (oxyethylene); molecular weight 1,800–9,000 * * *" in paragraph (c), and by alphabetically inserting new items in paragraphs (c), (d), and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
α-Alkyl (C_8–C_{10})-hydroxypoly(oxypropylene) block polymer with polyoxyethylene: polyoxypropylene content averages 3 moles; polyoxyethylene content averages 5–12 moles.		Solvent, cosolvent, surfactant, related adjuvants of surfactants
* * * * * * *		
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–16,000.		Surfactants, related adjuvants of surfactants.
* * * * * * *		
Tridecylpoly(oxyethylene)acetate, sodium salt; where the ethylene oxide content averages 6–7 moles.		Surfactants, related adjuvants of surfactants.
* * * * * * *		

(d) * * *

* * * * * * *		
α-Alkyl (C_{12}–C_{15}-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer in which the oxyethylene content is 8–13 moles and the oxypropylene content is 7–30 moles.		Solvent, cosolvent, surfactant, and related adjuvants of surfactants.
* * * * * * *		
α - Dodecylphenol-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer where ethylene oxide content is 11–13 moles and oxypropylene content is 14–16 moles.		Surfactants, related adjuvants of surfactants.
* * * * * * *		
Disodium 4-isodecyl sulfosuccinate		Surfactants, related adjuvants of surfactants.
* * * * * * *		
Naphthalenesulfonic acid-formaldehyde condensate, ammonium and sodium salts.		Surfactants related adjuvants of surfactants.
* * * * * * *		
Potassium carbonate		Buffering agent.
* * * * * * *		
Sodium 1,4-dicyclohexyl sulfosuccinate		Surfactants, related adjuvants of surfactants.
Sodium 1,4-dihexyl sulfosuccinate		Do.
Sodium 1,4-diisobutyl sulfosuccinate		Do.
Sodium 1,4-dipentyl sulfosuccinate		Do.
Sodium 1,4-ditridecyl sulfosuccinate		Do.
* * * * * * *		

(e) * * *

* * * * * * *		
α-Alkyl (C_{12}–C_{15})-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer in which the oxyethylene content is 8–13 moles and the oxypropylene content is 7–30 moles.		Solvent, cosolevnt, surfactant, and related adjuvants of surfactants.
* * * * * * *		
α-Alkyl (C_8–C_{10})-hydroxypoly-(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles and polyoxyethylene content averages 5–12 moles.		Solvent, consolvent, surfactant, and related adjuvants of surfactants.
* * * * * * *		
Tridecylpoly (oxyethylene acetate sodiums salt; where the ethylene oxide content averages 6–7 moles.		Surfactants, related adjuvants of surfactants.
* * * * * * *		
Trisodium phosphate		Precipitant, buffer, filler.
* * * * * * *		

[FR Doc.76-19307 Filed 7-1-76;8:45 am]

[PP6E1711/R90; FRL573-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethyl Tetrachloroterephthalate

On April 6, 1976, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 14526) pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act to revise 40 CFR 180.185 to include a tolerance for combined residues of the herbicide dimethyl tetrachloroterephthalate and its metabolites monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) in or on the raw agricultural commodity horseradish at 0.2 part per million (ppm).

This action was taken in response to a pesticide petition (PP 6E1711) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903 on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Illinois. No comments or requests for referral to an advisory committee were received with regard to this notice of proposed rulemaking.

Effective July 2, 1976, therefore, 40 CFR 180.185 is revised as proposed. Additionally, because the requisite long-term studies are now available, the negligible residue "(N)" designator is being removed from those tolerances where it appears. This amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before August 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 2, 1976, 40 CFR 180.185 is revised as set forth below.

Dated: June 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, Section 180.185 is revised by including a tolerance of 2 parts per million for the raw agricultural commodity horseradish and by editorially reformatting the Section into an alphabetized columnar listing, to read as follows:

§ 180.185 Dimethyl tetrachloroterephthalate; tolerances for residues.

Tolerances for combined residues of the herbicide dimethyl tetrachloroterephthalate and its metabolites monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) are established in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Beans, field dry	2
Beans, mung, dry	2
Beans, snap, succulent	2
Broccoli	1
Brussels sprouts	1
Cabbage	1
Cantaloups	1
Cauliflower	1
Collards	2
Corn, field, fodder	0.4
Corn, field, forage	0.4
Corn, grain (including field and pop)	0.05
Corn, pop, fodder	0.4
Corn, pop, forage	0.4
Corn, sweet (K+CWHR)	0.05
Corn, sweet, fodder	0.4
Corn, sweet, forage	0.4
Cottonseed	0.2
Cucumbers	1
Eggplant	1
Garlic	1
Honeydrew melons	1
Horseradish	2
Kale	2
Lettuce	2
Mustard, greens	5
Onions	1
Peas, southern, black-eyed	2
Peppers	2
Pimentos	2
Potatoes	2
Rutabagas	2
Soybeans	2
Squash, summer	1

Commodity:	Parts per million
Squash, winter	1
Strawberries	2
Sweet potatoes	2
Tomatoes	1
Turnips	2
Turnips, greens	5
Watermelons	1
Yams	2

[FR Doc.76-19308 Filed 7-1-76;8:45 am]

[PP6E1746/R104; FRL573-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Methyl-4-Chlorophenoxyacetic Acid

On June 1, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 22113) a notice of proposed rulemaking, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.339 by the establishment of a tolerance for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid in or on the raw agricultural commodity group seed and pod vegetables (180.34) at 0.1 part per million resulting from application of the herbicide in its acid form or in its sodium salt, amine salt, or ester formulations and by deleting the 0.1 ppm tolerance for peas, which is included in the raw agricultural commodity group seed and pod vegetables.

This notice of proposed rulemaking was issued in response to a pesticide petition (pp 6E1746) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Station of California. No comments or requests for referral to an advisory committee were received by EPA with regard to this notice or proposed rulemaking.

Effective July 2, 1976, therefore, 40 CFR 180.339 is amended as proposed. This amendment to the regulation will protect the public health.

Any person adversely affected by this regulation may, on or before August 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower 401 M St. SW, Washington D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Effective July 2, 1976, 40 CFR 180.339 is amended as set forth below.

Dated: June 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.339 is amended (1) by alphabetically inserting a tolerance of 0.1 ppm for the raw agricultural commodity group seed and pod vegetables in paragraph (a) and (2) by deleting the tolerance for peas in paragraph (a) to read as follows:

§ 180.339 2 - methyl - 4-chlorophenoxyacetic acid; tolerances for residues.

(a) * * *

Commodity:	Parts per million
* * * * *	
Vegetables, seed and pod	0.1
* * * * *	

[FR Doc.76-19309 Filed 7-1-76;8:45 am]

[PP6E1706/R93; FRL-572-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tricyclohexyltin Hydroxide

On April 15, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 15873) a notice of proposed rulemaking, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.144 by the establishment of a tolerance for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity macadamia nuts at 0.5 part per million (ppm).

This notice of proposed rulemaking was issued in response to a pesticide petition (PP 6E1706) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903 on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Station of Hawaii. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Effective July 2, 1976, therefore, 40 CFR 180.144 is amended as proposed with editorial corrections to rectify typesetting inconsistencies. This amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before August 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 2, 1976, 40 CFR 180.144 is revised as set forth below.

Dated: June 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Adminsitrator for Pesticide Programs.

Part 180, Subpart C, § 180.144 is amended by adding a tolerance of 0.5 ppm for residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolics (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity macadamia nuts and by editorially restructuring the section into an alphabetized columnar listing to read as follows:

* * * * *

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

Tolerances are established for combined residues of the pesticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin metabolites (calculated as tricycloraw agricultural commodity.

Commodity:	Parts per million
Almonds	0.5
Almonds, hulls	60
Apples	2
Cattle, fat	0.2
Cattle, kidney	0.5
Cattle, liver	0.5
Cattle, mbyp (exc kidney, liver)	0.2
Cattle, meat	0.2
Citrus fruits	2
Goats, fat	0.2
Goats, kidney	0.5
Goats, liver	0.5
Goats, mbyp (exc kidney, liver)	0.2
Goats, meat	0.2
Hogs, fat	0.2
Hogs, kidney	0.5
Hogs, liver	0.5
Hogs, mbyp (exc kidney, liver)	0.2
Hogs, meat	0.2
Hops	30
Horses, fat	0.2
Horses, kidney	0.5
Horses, liver	0.5
Horses, mbyp (exc kidney, liver)	0.2
Horses, meat	0.2
Macadamia nuts	0.5.
Milk, fat (=N in whole milk)	0.05
Nectarines	4
Peaches	4
Plums (fresh prunes)	1
Sheep, fat	0.2
Sheep, kidney	0.5
Sheep, liver	0.5
Sheep, mbyp (exc kidney, liver)	0.2
Sheep, meat	0.2
Strawberries	3
Walnuts	0.5
* * * * *	

[FR Doc.76-19310 Filed 7-1-76;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6710–3a]

PART 1067—FUNDING OF COMMUNITY ACTION PROGRAMS

CSA Procedures for the Federal Project Notification and Review System (PNRS)

The purposes of this subpart are to implement checkpoint coordination procedures required to achieve the intergovernmental and inter-agency coordination required by OMB Circular A–95, Part I; to inform grantees of the recent changes to A–95 and provide them with copies of the revised Circular; and to require submission of and provide details on the use of the new form SF 424, Federal Assistance.

Interim regulations were filed in the FEDERAL REGISTER on February 27, 1976. Comments were invited and CSA received comments from four CSA grantees, one clearinghouse, and the Office of Management and Budget. As a result the following substantive changes have been made to the interim regulations: (1) Applicability (Exceptions): T&TA grants for purposes of staff development and management improvement will be excepted from the A–95 process but T&TA grants for programmatic support will be covered; (2) research grants funded under currently covered programs will be covered by A–95 and therefore reference to "research" has been deleted from the list of exceptions; (3) use of OEO Form 394 has been extended to the administering offices when the office determines that applicant's comments are not being circulated to all appropriate public and private agencies; (4) a section has been inserted clarifying who must notify clearinghouses; (5) all grantees are being requested on a one-time basis only—regardless of whether or not they are applying for program year fundings or are covered by A–95—to submit a completed SF 424; and additional instructions for completing the SF 424 when applying for a CSA grant have been developed and are hereby being published. It should be noted that these regulations implement Part I only of OMB Circular A–95. CSA in the near future will review Part IV to determine applicability to its grantees and will publish a policy statement on Part IV if warranted.

Effective date: July 2, 1976.

SAMUEL R. MARTINES,
Director.

45 CFR Part 1067, Chapter X is amended by adding a new subpart as follows:

Subpart—CSA Procedures for the Federal Project Notification and Review System (PNRS)

Sec.
1067.10–1 Applicability.
1067.10–2 Policy.
1067.10–3 Responsibilities.
1067.10–4 Procedures.
1067.10–5 CSA grantee participation in A–95 coordination process.
1067.10–6 Section 712—On-going and post-grant coordination.
1067.10–7 SF 424—Availability.

APPENDIX

AUTHORITY: Sec. 602, 78 stat. 530; (42 U.S.C. 2942).

Subpart—CSA Procedures for the Federal Project Notification and Review System (PNRS)

§ 1067.10–1 Applicability.

(a) Title II:

(1) This subpart is applicable to applications* for grants under sections 221, 222(a)(5), (7), (12) and 231 of the Community Services Act of 1974 (CFDA Nos. 49.002, 49.005, 49.010, 49.014, and 49.013 respectively) when the funds are administered by the Community Services Administration.

(i) *EXCEPTIONS: applications from Federally-recognized Indian Tribes; and applications or portions of applications for funds under the above-mentioned Sections when such funds are for general administration; training and technical assistance for staff development and/or management improvement; and evaluation.

(b) Title VII:

(1) This subpart in its entirety is applicable to applications** or portions of applications** requesting funds under the following sections of Title VII (CFDA No. 49.011) for the purposes specified:

(i) *Section 747.* Planning Grants.

(ii) *Section 712.* Investment capital (budget category 2.5) for specific "community development programs" (as defined in CSA Instruction 6158–3), and "training, public service employment, and social service programs" (as defined in CSA Instruction 6158–3).

(2) Only §§ 1067.10–6 and 1067.10–4(d) are applicable to applications** or portions of applications** requesting funds under the following section of Title VII for the purpose specified:

(i) *Section 712.* Administrative costs (all budget categories other than 2.5), investment capital for specific "business development programs" (as defined in CSA Instruction 6158–3), or investment capital unearmarked at time of application to specific ventures.

(3) **EXCEPTION: Applications from Federally recognized Indian Tribes.

§ 1067.10–2 Policy.

(a) CSA will not approve any requests for initial funding, refunding, or major changes in work program or level of assistance from any applicant unless the applicant follows the Project Notification and Review System (PNRS) procedures (See § 1067.10–4) for all programs identified in § 1067.10–1.

(b) In the past OEO Form 394 has been used by Title II grantees to checkpoint with local agencies and officials and with SEOOs. Since an active A–95 review process is a direct duplication of the Form 394 checkpoint procedure, the Form will no longer be required where there is an areawide clearinghouse unless the CSA administering office determines that the applicant's comments are not being circulated to all appropriate public and private agencies in which case the administering office may require additional check-pointing through continued use of Form 394. Also, Title II grantees who wish to continue additional coordination activities with local agencies and local units of government may continue to use the Form 394 on an optional basis.

(c) Effective with the issuance of this Instruction, all applications submitted to CSA will be required to have a SF 424 as a coversheet. (See § 1067.10–4). In addition the SF 424 may be used as the initial notification to clearinghouses where clearinghouses do not require their own forms. (See § 1067.10–4(a).)

§ 1067.10–3 Responsibilities.

(a) *State Governments and Governors.* State governments and Governors may designate State and/or areawide clearinghouses which, among other things, perform functions relating to the coordination of Federal grant program plans. (The Office of Management and Budget (OMB) has issued, and will periodically update, a directory listing of these designated clearinghouses.)

(b) *Clearinghouses.* The areawide and metropolitan clearinghouse(s) inform specific local governments and agencies, including CSA grantees if they have so requested (see § 1067.10–5) and public agencies charged with enforcing or furthering the objectives of State and local civil rights laws, of any proposed projects from other agencies which would have an impact on their programs. Also, State clearinghouses notify state agencies, such as SEOOs, of any proposed projects which would affect their statewide plans and programs.

(c) *Applicants/grantees.* Applicants are required to notify the clearinghouse(s) of the State(s) and either the areawide or the metropolitan area clearinghouse(s) in which the project is to be located of their intent to apply for CSA funds.

(d) *Community Services Administration*—(1) *CSA Headquarters* is responsible for informing grantees and prospective grantees of the current requirements to notify clearinghouses.

(2) *CSA Regional and Headquarters Administering Offices* are responsible for assuring that:

(i) Grantees are advised of new or redesignated State and/or areawide clearinghouses;

(ii) Grantees seeking initial funding are informed of A–95 requirements and provided copies of SF 424 at the time CSA indicates its willingness to consider their applications;

(iii) Each application has received clearinghouse review where such review is required;

(iv) Each application is accompanied by a completed (Sections I and II) SF 424;

(v) Clearinghouses are notified within seven work days of any major action

taken on an application that has been reviewed by the clearinghouses; and

(vi) The appropriate State and areawide clearinghouses have been notified of any application from federally-recognized Indian tribes upon its receipt.

§ 1067.10–4 Procedures.

(a) *Applicant Notification to Clearinghouses of Intent to Apply.*—(1) *Who Must Notify Clearinghouses.* Applicants for CSA funds who are seeking initial funding or program year refunding for programs covered by A–95 must provide notification of intent to apply to the appropriate clearinghouses. In addition any grant action made subsequent to a program year refunding which is a major change to the work program and/or a substantial infusion of additional Federal funds in the initial application or is a new project not previously submitted to the clearinghouse also must comply with the notification procedures.

(2) *Timeframe.* (i) Applicants must simultaneously notify both State and area-wide clearinghouses of their intent to apply for CSA funds at least sixty days before the anticipated date of the submission of the final funding application to CSA. This 60-day lead time is necessary to allow each clearinghouse 30 days to consult with State and local agencies and regional/local governments that may be affected by the proposed project, and to submit written comments on the proposal to the applicant; and an additional 30 days, if a clearinghouse chooses, to review the final completed funding application.

(ii) For applicants seeking initial funding, notification to the clearinghouse will only begin after CSA indicates its willingness to consider applications (development of an application may be requested simultaneously or at some future date). For grantees requesting refunding, initial notification should follow immediately upon receipt of the program and funding guidance or other notice from CSA that it is willing to consider refunding.

(iii) OMB Circular A–95 contains a provision allowing Federal agencies to request procedural variations from normal review processes under certain circumstances. CSA wil make use of this provision on a case-by-case basis.

(3) *How.* (i) Many clearinghouses have developed notification forms and instructions. Where such forms exist applicants shall use them to notify clearinghouses.[1]

(ii) Where clearinghouses do not require use of their own forms or formats, applicants have the option of submitting one of the following to the clearinghouses. However, as the SF 424 must accompany every application submitted to CSA it is assumed that most applicants will use the SF 424 as Notice of Intent to Apply.

(A) SF 424, Federal Assistance, with Section I completed PLUS a statement as to whether environmental impact information will be required; OR

(B) A summary of the following:

(*1*) Identity of the applicant agency;

(*2*) Geographic coverage of the program proposed;

(*3*) A brief description of the proposed program including type;

(*4*) Purpose;

(*5*) General size or scale;

(*6*) Estimated cost;

(*7*) Beneficiaries; or

(*8*) Other characteristics which will enable the clearinghouse to identify agencies of a State or local government having plans, programs, or projects that might be affected by the proposed programs;

(*9*) A statement as to whether environmental impact information will be required;

(*10*) The Federal program title and number and agency under which assistance will be sought as indicated in the latest "Catalog of Federal Domestic Assistance"; and

(*11*) The estimated date the applicant expects to formally file its funding request.

(b) *Review by Clearinghouses of Notification.* (1) The clearinghouse may notify the applicant, within 30 days of receipt of notice, of its own or other State or local interests. During this period differences may arise between clearinghouses or particular State agencies or local governments as to the merit and/or designation of the planned project. The clearinghouse may work with the applicant in the resolution of any problems. If differences are not resolved, the clearinghouse may inform the applicant of its desire to review, and its intention to prepare comments to accompany, the completed funding application.

(2) Applications for refunding not submitted to or acted on by CSA within one year after completion of clearinghouse review will be subject to rereview upon request of the clearinghouse.

(c) *Submission of the Completed Application to the Clearinghouse.* (1) When within the initial 30 day period the clearinghouse signs off or indicates that it has no comments regarding the proposed project, the applicant may proceed to submit the final funding application to CSA without further delay. In such cases the applicant is not required to submit a copy of its funding application to the clearinghouse. However, the clearinghouse may request an information copy.

(2) However, if within the initial 30 day period the clearinghouse asks to review the final application, the applicant will submit a copy of the funding application to the clearinghouse. In such cases, the clearinghouse(s) shall have an additional 30 days to submit their formal comments on the subject application. If the applicant failed to submit to the clearinghouse an initial notification of its intent to apply for CSA funds and submitted only a completed application, the clearinghouse shall have a full 60 days to review and submit comments on the application.

(3) It should be noted that areawide clearinghouses must submit to applicants any written comments received from other jurisdictions or agencies or parties when the comments are at variance with the clearinghouse comments. They also must list others who were solicited and from whom they received comments.

(d) *Submission of SF 424's and Clearinghouse Comments to CSA.* Beginning with the effective date of this Instruction, the applicant will submit to the appropriate CSA Regional or Headquarters administering office a SF 424 with each application for initial funding, program year refunding, major change to work program and/or level of Federal assistance, and new projects regardless of whether or not the program is covered by the A–95 process. Grant applications will be unacceptable if not accompanied by the completed SF 424. (See Appendix for a copy of SF 424 with instructions for completion including instructions specifically designed for applicants for CSA funds).

(1) For programs not covered by the A–95 process or for which CSA has received an exemption, the applicant will complete information required in Section I of the SF 424 and indicate "not applicable" in Section II, Item 22.b.

(2) For programs covered by the A–95 process, the applicant will complete all information required in Sections I and II of SF 424 and attach any comments or recommendations received from the clearinghouse(s) along with a statement that such comments have been considered prior to submission of the application. In addition, the applicant will include in Section IV of SF 424 a position statement on any conflicts that have not been resolved between the clearinghouses and the applicant.

NOTE.—It would be in the applicant's best interest to notify CSA immediately if any comments have been received or are anticipated which recommend not funding the application.

(i) Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant to comply with A–95 procedures.

(ii) If a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the administering office will consult with the agency assisting the referenced project prior to acting if the administering office plans to recommend approval of the project.

(iii) CSA will not accept the grant for processing until the clearinghouse comments have been received or until the final 30 day period has elapsed.

(e) *Notification to Clearinghouses by CSA of Major Grant Actions.* (1) Within

[1] In accordance with OMB Circular A–95 (Revised) private non-profit applicants are not required to include confidential information concerning the financial status or structure or the personnel of their agency even though this information might be required to be sent to CSA as part of the funding process.

seven working days of any major action taken on an application, i.e. award, rejection, deferral, return for amendment, or withdrawal, the appropriate CSA Regional Office or Headquarters office will notify the clearinghouse(s) which reviewed the application. In addition if a clearinghouse recommended against the funding of the application and CSA has decided to award the grant, CSA will include in Section IV of SF 424 a statement of explanation to the clearinghouse.

(2) CSA will notify the clearinghouse(s) by completing Section III of the SF 424 and returning the form, along with any explanatory attachments, to the clearinghouse(s).

§ 1067.10–5 CSA grantee participation in A–95 coordination process.

Since OEO Form 394 is no longer required, CSA reminds those SEOOs who currently are not receiving applications for CSA-funded programs for review through the clearinghouse, that they inform the clearinghouse of their interest in receiving these applications for review. CSA grantees, particularly CAAs and SEOOs, should actively seek to review, in addition, applications for Federal assistance from other agencies in their clearinghouse area for programs included in the A–95 process. (See attachments C and D to Circular A–95). Review of notifications and applications for Federal funds should be directed to those programs which could have an impact on the poor.

§ 1067.10–6 Section 712—On-going and post-grant coordination.

(a) Because of the nature of the Section 712 Special Impact Program and the funding process followed by CSA's Office of Economic Development for community development corporations (CDCs) under Section 712, there is limited opportunity for, or value to, clearinghouse review of CDC grant applications prior to funding by CSA and, therefore, the A–95 process is applicable only to certain Title VII grants. (See § 1067.10–1). For example:

(1) Once a CDC has received its initial funding from CSA through a planning grant (which is subject to clearinghouse review), the basic issue of the community's need for the CDC has been resolved. Therefore, subsequent refundings of the CDC's central administrative budget are exempted from clearinghouse review.

(2) Since CDCs are refunded for two-year periods, much of the investment capital funding requested in refunding applications is not earmarked to specific ventures; only in the subsequent two years, following grant approval, are specific plans for most ventures developed and submitted to CSA for approval. Accordingly, there is little in the CDC's investment capital budget for clearinghouses to review prior to grant approval.

(3) The bulk of the CDC's proposed ventures, whether specified in the refunding application to CSA or identified and developed after grant approval, fall into the "business development program" category, and are accordingly exempt from clearinghouse review because of their proprietary nature. Most of the feasibility data for such ventures, whether submitted to CSA as part of a refunding application or subsequently, could not be released to the clearinghouses.

(b) Accordingly, only that small portion of a CDC's refunding application which is earmarked for specific ventures in the "community development" and "training, public service employment, and social services" categories is appropriate for review by the clearinghouse prior to funding.

(c) Even some data related to community development ventures, such as land acquisition plans and costs are exempted from clearinghouse review due to the proprietary nature of the data.

(d) Despite such limitations, it is the policy of CSA that CDCs coordinate their programs with local governments and related private agencies and organizations, and that CDCs develop meaningful mechanisms with their local clearinghouses for insuring such coordination on an ongoing basis. Such coordination should include, at a minimum, (1) periodic discussions of the CDC's overall program and objectives, and (2) appropriate reviews, prior to CSA release of funds (though generally not prior to grant approval), of non-proprietary venture plans.

(e) Each CDC, including planning grantees, must include in its next funding application submitted to CSA after 60 days from the effective date of this subpart, a copy of an agreement signed by the CDC and the appropriate areawide or metropolitan clearinghouse(s) which specifies how this required ongoing and post-grant coordination shall be implemented. All future grant applications and post-grant venture feasibility proposals must include evidence that the required coordination, as provided in the signed agreement, has in fact taken place.

§ 1067.10–7 SF 424—Availability.

An initial supply of SF 424, Federal Assistance, will be distributed to all grantees. It should be noted that CSA has overprinted the SF 424 to provide additional information for use of its grantees and administering offices. Therefore supplies of SF 424 should be acquired from CSA only. When the initial supply has been exhausted additional forms may be obtained by writing to: CSA Publications and Distribution Center, 5458 3rd Street NE, Washington, DC 20001.

APPENDIX

SF 424, Federal Assistance (including general instructions for completion and additional instructions for applying for CSA funds)

[FR Doc.76–19302 Filed 7–1–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20709; RM–2582, RM–2589, RM–2590, RM–2593, RM–2595, RM–2600]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Nisswa, Minn.; Collins, Miss.; Blackshear, Ga.; Clintwood, Va.; Hinton, W. Va.; Yuma, Colo.).

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted February 4, 1976, and published in the FEDERAL REGISTER February 17, 1976 (41 FR 7118), which invited comments on a number of changes in the FM Table of Assignments (§ 73.202(b) of the Rules). The communities, channel assignments proposed, and petitioning parties are as follows:

RM–2582—Channel 261A to Nisswa, Minnesota (Minnesota Christian Broadcasters, Inc.)
RM–2589—Channel 269A to Collins, Mississippi (Covington County Broadcasters)
RM–2590—Channel 285A to Blackshear, Georgia (Troy Mattox and A. J. Guest)
RM–2593—Channel 272A to Clintwood, Virginia[1] (Dickenson County Broadcasting Corporation)
RM–2595—Channel 272A to Hinton, West Virginia (Bluestone Broadcasters, Inc.)
RM–2600—Channel 265A to Yuma, Colorado (Gen-Ten Productions, Inc.)

2. In each of the above cases, the petitioner seeks the assignment of a first Class A FM channel without requiring any other changes in the FM Table of Assignments. The petitioning party for each of the proposed assignments reiterated its intent to apply for the channel, if assigned, and to build a station if authorized. All proposals were unopposed except that concerning Blackshear, Georgia (RM–2590) to which comments and a counterproposal were filed by the Broadcast Good Music! Committee (BGMC). This opposition is discussed below. The Canadian Government has given its concurrence to the proposed assignment at Nisswa, Minnesota (RM–2582).

3. Blackshear (pop. 2,624)[2] is located in Pierce County, Georgia (pop. 9,281). It has no local FM broadcast service but does have a daytime-only AM station. The Notice proposed the assignment of Channel 285A to Blackshear. BGMC, in its comments, counterproposes, among other things, the assignment of Channel 232A or 249A to Blackshear in lieu of Channel 285A. BGMC states that, in doing so, Channel 285A would be avail-

[1] In order to meet the minimum mileage separation requirements of § 73.207(a), a site 5 miles northwest of Clintwood would be required.

[2] All population figures are taken from the 1970 U.S. Census.

able for assignment to Telfair County, Georgia, or Milan, Georgia.

4. In reply comments, Troy Mattox and A. J. Guest (Mattox and Guest), petitioners for Channel 285A at Blackshear, contend that BGMC is not interested in what channel goes into Blackshear, Georgia, but only in the proposed assignment for McRae, Georgia, since a McRae assignment could affect the substitute assignment BGMC proposed for Hawkinsville, Georgia. They assert that, since Channel 285A would not fit into McRae, BGMC urges the assignment of Channel 285A to Milan as a means of providing coverage to Telfair County. Mattox and Guest argue that Channel 285A is not practical in Telfair County; that there is no proponent for such location of the channel; and that since there is no petition for rule making to add any channel to Milan, Georgia, Channel 285A at Milan is not entitled to consideration in this proceeding.

5. Although BGMC urges the assignment of Channel 285A to Milan, it states that the channel would require a transmitter site located some eight miles southeast of the community. We note that, depending upon the site, present or proposed in BPH-9709, of Station WTOC-FM at Savannah, Georgia, operating on Channel 231, Channel 232A could be used at a site in Milan or some four miles west. This channel is preferable to Channel 285A which requires locating the transmitter site some eight miles from the community, raising the questions of availability of site and line-of-sight propagation path. BGMC has also suggested that Channel 285A could be assigned to McRae, Georgia, but it has failed to note that it would be short-spaced by 10 miles to Channel 285A at Metter, Georgia, assigned to Station WHCG. Channel 285A at Blackshear could be utilized without restriction as to site selection. Channel 232A cannot be used at Blackshear because it would require a change in the assignment of an existing station at Savannah, and Channel 249A would require an antenna site at least three miles southeast of Blackshear. Thus we are assigning Channel 285A to Blackshear since it would provide for a first fulltime local aural broadcast service, and there is an outstanding request for its use. As to Milan, there is no proponent here who has shown any intent to make an application if a channel is assigned to Milan as suggested by BGMC.

6. In arriving at our decision we have given consideration to all comments, supporting statements, and other pleadings. In the Notice we set out economic and other information pertaining to the need for a first FM assignment in each of the communities. That information is accepted as being substantially correct. All of these communities range in size from 1,011 for Nisswa, Minnesota, to 4,503 for Hinton, West Virginia; that a daytime-only station operates at Clintwood, Virginia, Blackshear, Georgia, and Hinton, West Virginia; and that there are no local broadcast facilities at Nisswa, Minnesota, Collins, Mississippi, and Yuma, Colorado. We are of the view that adoption of each proposal would serve the public interest.

7. Authority for the adoption of the amendments contained herein appears in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934 as amended, and § 0.281(b)(6) of the Commission's Rules.

8. In view of the foregoing, *it is ordered*, That effective August 2, 1976, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

§ 73.202 [Amended]

City	Channel No.
Colorado, Yuma	265A
Georgia, Blackshear	285A
Minnesota, Nisswa	261A
Mississippi, Collins	269A
Virginia, Clintwood	272A
West Virginia, Hinton	272A

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

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 18, 1976.

Released: June 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19248 Filed 7-1-76;8:45 am]

[Docket No. 20733; RM-2605, RM-2612, RM-2610, RM-2613, RM-2611, RM-2620]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Plymouth, Ohio; Randolph, Vermont; Chariton, Iowa; Honesdale, Pennsylvania; Gatlinburg, Tennessee; Clyde, Ohio)

1. The Commission has before it the Notice of Proposed Rule Making, adopted February 27, 1976 (41 Fed. Reg. 11030), inviting comments on a number of changes in the FM Table of Assignments (§ 73.202(b) of the Rules). The communities, channel assignments proposed, and petitioning parties are as follows:

RM-2605—Channel 261A to Plymouth, Ohio (WOBL Radio, Inc.)

RM-2610—Channel 272A to Randolph, Vermont (Central Vermont Radio Corporation)

RM-2611—Channel 288A to Chariton, Iowa[1] (Leighton Enterprises, Inc.)

RM-2612—Channel 288A to Gatlinburg, Tennessee[2] (James H. Hayes)

RM-2613—Channel 237A to Honesdale, Pennsylvania (WHPA Broadcasting Corporation)

RM-2620—Channel 265A to Clyde, Ohio[3] (The Family Broadcasting and Communications Corporation)

2. In each of the above cases, the petitioner seeks the assignment of a first Class A FM channel without requiring any additional changes in the FM Table of Assignments. The petitioning parties for all of the proposed assignments, except WOBL Radio, Inc., filed supporting statements or comments and reiterated their intent to apply for the channel, if assigned, and to build a station if authorized. All populations are taken from the 1970 U.S. Census. All proposals were unopposed except that concerning Gatlinburg, Tennessee (RM-2612), to which a counterproposal was filed. The Plymouth, Ohio, proposal and the Gatlinburg counterproposal will be discussed below.

3. A petition was filed by WOBL Radio, Inc., licensee of Station WOBL, Oberlin, Ohio, proposing the assignment of Channel 261A to Plymouth, Ohio. No comments or oppositions to the proposal were filed.

4. Plymouth, with a population of 1,993 persons, is located on the border between Richland and Huron Counties (pop. 129,997 and 49,585, respectively) some 50 miles south of the U.S.-Canadian border and 60 miles west of Akron, Ohio. It has no local broadcast service.

5. In support of its request, petitioner contended that Plymouth was a growing community and, according to the population figures prepared in 1972 by the Huron County Regional Planning Commission, Plymouth's population will increase to 2,300 by 1980. It added that the community was the home of an industrial plant, and its growing population also served as a source of manpower for industry in neighboring communities. Petitioner asserted that although Plymouth would be the principal area of the proposed channel it would also serve seven other nearby communities.

6. As is customary in these proceedings, the Notice, in order to ascertain the existence of a continuing interest in the proposed assignment, stated that the proponent would be expected to file comments (even if nothing more than to incorporate by reference its petition) and would be expected to state its intention to apply for the channel if assigned, and, if authorized, to build a station promptly. No such filings were submitted. Since the transmitter site for use of Channel 261A at Plymouth is limited to a small area because of the minimum mileage separation requirements from three operating stations; since no continuing interest for use of the channel has been evidenced; and since, if the channel were assigned to Plymouth and never utilized, it would unfairly restrict the possible improvement or change in the facilities of the three

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[1] Supporting comments were filed by Marvin E. Luehrs, Trenton, Missouri, stating his intent to apply for Channel 288A in Chariton, Iowa, if assigned.

[2] In order to meet the minimum mileage separation requirements of Section 73.207(a) of the Rules, a site 6 miles west of Gatlinburg, Tennessee, would be required, and a site 5 miles southeast of Clyde, Ohio, would be required.

operating stations, it does not appear to be in the public interest to adopt the proposed assignment. We are therefore denying WOBL Radio, Inc.'s request for the assignment of Channel 261A to Plymouth, Ohio.

7. James H. Hayes (Hayes), on December 9, 1975, filed a petition requesting the assignment of Channel 288A to Gatlinburg, Tennessee. Gatlinburg (pop. 2,329) is located in Sevier County (pop. 28,241). In the Notice of Proposed Rule Making we set out information pertaining to the need for a first FM assignment to Gatlinburg and will not repeat it here. It has no local broadcast service. In supporting comments petitioner states that, according to statistics available from the National Chamber of Commerce, Gatlinburg and Great Smokey Mountain National Park attracted more visitors in 1975 than any other national park. He asserts that the need for an aural medium to serve these people as well as Gatlinburg's permanent population grows with each passing day.

8. In reply thereto Stephen Y. Corbett (Corbett), licensee of Station WGAP, Maryville, Tennessee, states that Hayes places great emphasis on the fact that Gatlinburg is synonymous with the Great Smokey Mountain National Park, and adds that Hayes argues the assignment of Channel 288A to Gatlinburg will provide a vehicle for dissemination of travel information, etc. to the National Park. Corbett contends that the Great Smokey Mountain National Park does not attract more visitors than any other national park. He asserts that there are three other parks which attract more visitors. Corbett states that petitioner made no showing that the proposed facility will provide a service to any substantial portion, let alone all, of the Great Smokey National Park.

9. In response to the *Notice of Proposed Rule Making*, Corbett filed a counterproposal to assign Channel 288A to Maryville instead of at Gatlinburg. Maryville (pop. 13,808) is the seat of Blount County (pop. 63,744). There is no FM assignment in Maryville, but it has a full-time AM station licensed to Corbett. Corbett points out that Maryville is the home of a major educational center and major industries. He submits information regarding the type of city government and municipal facilities, cultural, civic, and recreational facilities, and adds that Maryville's status, as the county seat and the largest city in the county, makes it the political, economic, cultural and education center for the entire area.

10. Corbett contends that the addition of Channel 288A to Gatlinburg would be inconsistent with the Commission's technical rules and renders the proposal fatally defective in that (1) it is 5.7 miles short-spaced with Station WAGI–FM, Gaffney, South Carolina, and (2) the antenna site must be located in an area which effectively precludes unobstructed line-of-sight to Gatlinburg. Corbett thus urges the assignment of Channel 288A to Maryville, Tennessee.[3]

11. In support of his contention, Corbett asserts that his engineer has selected two sites within the area most favorable for antenna location; that a hypothetical station operating from a site within six miles west of Gatlinburg would require, because of terrain features, a minimum antenna height in excess of 2,000 feet above ground level to attain a line-of-sight path to Gatlinburg; and that no applicant would be willing to expend $200,000 on such a structure to provide a Class A service to Gatlinburg. He further asserts that there has been no demonstration that the minimum field strength of 3.16 mV/m will be provided over the entire principal community to be served.

12. Hayes replies that Maryville is a suburb of Knoxville and is served by at least nine AM and five FM stations in Knoxville, and that it is also served by Corbett's station as well as Station WEAG at Alcoa. He asserts that Corbett points out the difficulty in site selection but fails to show technical impossibility. Hayes thus contends that Corbett fails (1) to show a need for additional service to Maryville, (2) to justify denial of a first aural service to Gatlinburg and (3) to prove the impossibility of Gatlinburg site localities.

13. The Commission's staff study reveals that there are other sites located within the required distance separation to Station WAGI–FM, Gaffney, South Carolina, from which an FM station would have a line-of-sight into most parts of Gatlinburg and would be able to provide the requisite 70 dBu signal to Gatlinburg. (See *Richlands, Virginia*, 42 F.C.C. 2d 727 (1973).) Thus, it would not be necessary for a Gatlinburg station to employ a tall tower. Further, we have also considered that, while the proposed assignment to Maryville is short-spaced by 6.5 miles to Station WBNT–FM, Oneida, Tennessee, operating on Channel 288A, a Maryville station, operating from a hypothetical site at required spacing, would have an unobstructed view of the community.

14. After careful consideration of the proposal, counterproposal, comments and reply comments, we believe that the assignment of an FM channel to Gatlinburg would be in the public interest. Gatlinburg, Tennessee, a community of 2,329 persons, does not have a local aural broadcast service. Thus, an FM channel assignment there would provide for a first local broadcast facility and would be in accordance with our allocation priorities. Maryville, Tennessee, a community of 13,808 persons, has a Class IV AM station, licensed to Corbett. Maryville, therefore, has a local full-time broadcast service. It is noted that the neighboring community of Alcoa has an AM station (WEAG) (3.5 miles between stations) which provides another broadcast service to the area during the daytime hours. The counterproposal to assign Channel 288A to Maryville, Tennessee, will be denied.

15. After consideration of the pertinent facts in this proceeding, we are of the view that the public interest would be served by assigning FM channels to the communities listed below.

16. The Canadian Government has given its concurrence to the assignment of Channel 272A to Randolph, Vermont, Channel 237A to Honesdale, Pennsylvania, and Channel 265A to Clyde, Ohio.

17. Authority for the amendments adopted herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

18. *Accordingly, it is ordered*, That effective August 6, 1976, the FM Table of Assignments (§ 73.202(b) of the Rules) is amended with respect to the cities listed below as follows:

§ 73.202 [Amended]

City	*Channel No.*
Iowa, Chariton	288A
Ohio, Clyde	265A
Pennsylvania, Honesdale	237A
Tennessee, Gatlinburg	288A
Vermont, Randolph	272A

19. *It is furthered ordered*, That the petition filed by WOBL Radio, Inc., for assignment of FM Channel 261A to Plymouth, Ohio, is denied.

20. *It is further ordered*, That the counterproposal to assign FM Channel 288A to Maryville, Tennessee, filed by Stephen Y. Corbett, is denied.

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

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 23, 1976.

Released: July 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19249 Filed 7-1-76;8:45 am]

[Docket No. 19720; RM-1915, RM-2369, RM-2412]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Tupelo and Baldwyn, Mississippi).

1. The Commission has before it comments in response to its Memorandum Opinion and Order and Further Notice

[3] The two proposals herein are mutually exclusive with a petition for rule making to assign Channel 288A to Murphy, North Carolina (RM-2604). The Murphy petition was dismissed June 16, 1976, because it was technically defective.

of Proposed Rulemaking[1] in this proceeding, wherein we proposed the alternative assignment of Channel 240A to either Tupelo (pop. 20,471) or Baldwyn (pop. 2,366), Mississippi.[2] The proposals are mutually exclusive and would result in Tupelo's second, or Baldwyn's first, FM assignment. Since the towns are 17 miles apart, the channel can be assigned to only one of the two communities. Comments in support of the assignment to Tupelo were filed by Town N' Country Broadcasting Company ("TNC"), licensee of an AM station at Tupelo. Comments supporting the assignment to Baldwyn were filed by Superior Broadcasting Company ("Superior").

2. TNC incorporates by reference its prior filings in the proceding[3] and reaffirms its intent to promptly prepare, file and prosecute an application for Channel 240A if it is assigned to Tupelo. Tupelo is the seat of Lee County (pop. 46,148). Local broadcast service is provided by a VHF television station, two unlimited time and one daytime AM stations (WELO, WTUP, and WJLJ) and a Class C FM station (WELO-FM). The transmitter site for a station operating on Channel 240A at Tupelo would have to be located 5 miles northwest of the community. TNC's proposal would result in the intermixture of a Class A with a Class C FM station at Tupelo, although TNC says it is willing to operate under such conditions.

3. Baldwyn, located on the border between Prentiss and Lee Counties, presently has no local radio service, but it has a weekly newspaper. Superior asserts that the population of Baldwyn has increased by 17% between 1960 and 1970, and submits economic data showing the activity in Baldwyn and Lee County. Superior states that Channel 240A is the only channel available for assignment to Baldwyn and that this assignment to Baldwyn would preclude its future assignment only to Booneville, located approximately 10 miles north of Baldwyn Booneville has an AM and FM station. It is Superior's contention that Baldwyn should obtain the channel rather than Tupelo to prevent intermixture at Tupelo and to provide a first local service to Baldwyn. Superior also states that, if the channel is assigned to Baldwyn, it will apply for it and, if granted a construction permit, will build and operate the station there.

4. We agree with Superior and find that the assignment of Channel 240A to Baldwyn rather than Tupelo would better serve the public interest. Tupelo already has four aural services while Baldwyn has none. The channel assignment to Baldwyn would provide for a first aural service to that community and avoid intermixture at Tupelo. The Commission places high priority on providing a first broadcast service to each community. Anamosa and Iowa City, Iowa, 46 F.C.C. 2d 520, 524–25 (1974). Furthermore, it is our policy generally to oppose intermixture. While the Commission does not mechanically apply its stated priorities, we have weighed the other considerations in the case (such as the size, growth, economy, and government of these two communities) and find the balance in favor of the first assignment to Baldwyn. See Albany, Oregon, 55 F.C.C. 2d 291 (1975).

5. Accordingly, *it is ordered*, That effective August 2, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended to read as follows for the city listed below:

§ 73.202 [Amended]

City	*Channel No.*
Baldwyn, Mississippi	240A

6. Authority for this action is contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations.

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

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 18, 1976.

Released: June 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19250 Filed 7-1-76;8:45 am]

[Docket No. 19824; RM-2060]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

By the Chief, Broadcast Bureau:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Sun Valley, Idaho)

1. The Commission has before it the *Notice of Proposed Rule Making* (38 FR 26390), the *Further Notice of Proposed Rule Making* (39 FR 22160), and the *Memorandum Opinion and Order* (40 FR 39529) in this proceeding, as well as the filings of Sun Valley Radio, Inc. and Leisure Time Communications, Inc. both applicants for the only current Sun Valley, Idaho, FM assignment.

2. This proceeding was commenced to explore whether additional or extended FM service might be needed in the Sun Valley area and if so whether to substitute a Class C channel for the existing Class A channel or to add a second Class A channel. We noted that there appeared to be only one mountain-top site which could be used by any FM station or stations and that there was a question about its being available for this purpose, especially for use by a Class C station. Further information on these points, particularly from the Forest Service, Department of Agriculture, which has control over the land use, was sought in the Further Notice and the Memorandum Opinion and Order. From the information we have obtained it is clear that land use restrictions preclude use of a Class C channel. Thus we have only a possible second Class A assignment to consider.

3. In the above Memorandum Opinion and Order we sought information from the parties on two points relevant to a second Class A assignment: (1) the average Sun Valley population during the tourist season and (2) the willingness of the parties to proceed if a second FM channel were asssigned. The parties filed a joint response on the first point and provided support for their estimate that the population of Sun Valley and vicinity approximates 16,350 during both the summer and winter tourist seasons. Although Sun Valley's permanent population is small, in other cases we have relied on the influx of a significant number of tourists in evaluating the need for a channel. This becomes even more important in terms of channel need when, as here, the area has two tourist seasons, not just one. In line with these cases, it is clear that this population is sufficient to justify the assignment of a second FM channel. Additional support comes from the fact that the area receives little aural service and the fact that a second channel could be assigned without causing any significant preclusion.

4. The second matter raised was that of the parties' interest in seeking use of a second channel. It is our policy to not add a second FM channel for the sole purpose of obviating a need for a hearing between competing applicants and in fact the parties have not made a request in these terms. Moreover, the need for the assignment has other support in the record. Although one of the parties has not been willing to certify its intent to proceed, we believe it appropriate to rely on the fact that two applications already are on file. This appears to indicate a commitment of the parties to putting the channels to use, and this is the equivalent of the commitments normally sought from proponents of channel assignments. If it develops that the parties do not seek to put the second channel to use, we can simply proceed to remove it. Since preclusion is no problem, we need not be greatly concerned about any effect that would result elsewhere from the making of this assignment. In sum, we believe the public interest would be served by a second Class A assignment to make possible two local FM services to an underserved area.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r), and 307

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[1] 54 F.C.C. 2d 519; adopted July 23, 1975; released August 1, 1975.

[2] All population figures are from the 1970 U.S. Census.

[3] The Commission previously denied TNC's petition to assign Channel 240A to Tupelo, Mississippi, as its second FM assignment, in Tupelo, Mississippi, 42 F.C.C. 2d 884 (1973). TNC's Petition for Reconsideration was also denied by the Memorandum Opinion and Order and Further Notice for Proposed Rulemaking which is the subject of this proceeding.

(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules and Regulations, *it is ordered*, That effective August 2, 1976, the FM Table of Assignments (§ 73.202 (b) of the Rules) is amended to read as follows:

§ 73.202 [Amended]

City	*Channel No.*
Sun Valley, Idaho	228A, 237A

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

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 18, 1976.

Released: June 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19251 Filed 7-1-76;8:45 am]

[Docket No. 20603; FCC 76-530]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

International Radio Regulations Pertaining to the Maritime Mobile-Satellite Service, Geneva, 1971 and the Maritime WARC, Geneva, 1974; Correction

In the matter of Amendment of Part 83 of the Commission's rules to conform to the extent practicable with the International Radio Regulations pertaining to the Martime Mobile-Satellite Service, Geneva, 1971 and the Maritime, FARC, Geneva, 1974.

In the First Report and Order, FCC 76-530, released June 18, 1976 at 41 FR 25009 (June 22, 1976), the second instruction in the Appendix on page 25011 is in error and should read: "2. Section 83.4 is amended by adding new paragraphs (s), (t), (u), and (v) to read as follows:"; and following the five asterisks paragraphs (t) through (w) should be designated paragraphs (s) through (v).

Released: JUNE 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-19252 Filed 7-1-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 87]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

The United States District Court for the District of Columbia has restrained the implementation of the May 7, 1976, amendments to the food stamp regulations published at 41 F.R. 18731-18804. The order applies to all provisions of the May 7, 1976, amendments which include the eligibility standards and basis of issuance tables developed under current procedures as set forth in Appendices A-2 through F-2 of Part 271, which States were authorized to use until September 1, 1976. Except as they may be otherwise amended or modified, the Food Stamp Program shall be governed by the regulations in effect on May 6, 1976, during the period that a court order is in effect restraining implementation of the May 7, 1976 amendments.

In view of the court action, and since coupon allotments must be adjusted on July 1, 1976, Appendices A-2 through F-2 of Part 271 are hereby rescinded and the following Appendices A through F of Part 271 are issued setting forth the maximum income eligibility standards and basis of issuance tables to be effective on July 1, 1976. Appendices A through F shall continue in effect through December 31, 1976, or such earlier date as Appendices A-1 through F-1 become applicable.

FSP No. 1976-1.1 in Appendix A to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976-1.2.

APPENDIX A

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the cost of the thrifty food plan in February 1976 which was unchanged from August 1975.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico,

Guam, or the Virgin Islands) or in the District of Columbia shall be:

Household size:	*Maximum allowable monthly income standards—48 states and District of Columbia*
One	[1] $245
Two	[1] 322
Three	433
Four	553
Five	660
Six	787
Seven	873
Eight	993
Each additional member	+127

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$92	$130	$166	$198	$236	$262	$298
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	38	44	46	47	48	49	50	51
$190 to $209.99	38	50	52	53	54	55	56	57
$210 to $229.99	40	56	58	59	60	61	62	63
$230 to $249.99	40	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		72	76	77	78	79	80	81
$290 to $309.99		72	82	83	84	85	86	87
$310 to $329.99		72	88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			102	104	105	106	107	108
$390 to $419.99			111	113	114	115	116	117
$420 to $449.99			112	122	123	124	125	126
$450 to $479.99				131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				142	150	151	152	153
$540 to $569.99				142	159	160	161	162
$570 to $599.99					168	169	170	171
$600 to $629.99					170	178	179	180
$630 to $659.99					170	187	188	189
$660 to $689.99					170	196	197	198
$690 to $719.99						204	206	207
$720 to $749.99						204	215	216
$750 to $779.99						204	224	225
$780 to $809.99						204	226	234
$810 to $839.99							220	243
$840 to $869.99							226	252
$870 to $899.99							226	258
$900 to $929.99								258
$930 to $959.99								258
$960 to $989.99								258
$990 to $1,019.99								258

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the Total Allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $869.99 or less per month.

2. For households with monthly incomes of $870 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $869.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $869.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–2.1 in Appendix B to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–2.2.

APPENDIX B

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually be the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotments for household sizes 1 and 2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Alaska in February 1976.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Alaska, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Alaska*
One	[1] $307
Two	413
Three	593
Four	753
Five	893
Six	1,073
Seven	1,187
Eight	1,353
Each additional member	+167

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Alaska are as follows:

Monthly coupon allotments and purchase requirements—Alaska

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$68	$124	$178	$226	$268	$322	$356	$406
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	12
$80 to $89.99	14	18	19	19	20	21	21	29
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	54	62	64	65	66	67	68	69
$250 to $269.99	54	68	70	71	72	73	74	75
$270 to $289.99	54	74	76	77	78	79	80	81
$290 to $309.99	54	80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		98	103	104	105	106	107	108
$390 to $419.99		98	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			156	158	159	160	161	162
$570 to $599.99			156	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				198	204	205	206	207
$720 to $749.99				198	213	214	215	216
$750 to $779.99				198	222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					236	241	242	243
$840 to $869.99					236	250	251	252
$870 to $899.99					236	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						286	296	297
$1,020 to $1,049.99						286	305	306
$1,050 to $1,079.99						286	314	315
$1,080 to $1,109.99							316	324
$1,110 to $1,139.99							316	333
$1,140 to $1,169.99							316	342
$1,170 to $1,199.99							316	351
$1,200 to $1,229.99								360
$1,230 to $1,259.99								362
$1,260 to $1,289.99								362
$1,290 to $1,319.99								362
$1,320 to $1,349.99								362
$1,350 to $1,379.99								362

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the Total Allotment.* For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976-3.1 in Appendix C to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976-3.2.

APPENDIX C

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is am ultiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotment for the one-person household.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Hawaii in February 1976.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Hawaii, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Hawaii*
One	[1] $273
Two	407
Three	580
Four	740
Five	880
Six	1,053
Seven	1,167
Eight	1,333
Each additional member	+166

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

Monthly coupon allotments and purchase requirements—Hawaii

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$66	$122	$174	$222	$264	$316	$350	$400
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	52	62	64	65	66	67	68	69
$250 to $269.99	52	68	70	71	72	73	74	75
$270 to $289.99	52	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		94	103	104	105	106	107	108
$390 to $419.99		94	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			152	158	159	160	161	162
$570 to $599.99			152	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				194	204	205	206	207
$720 to $749.99				194	213	214	215	216
$750 to $779.99					222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					232	241	242	243
$840 to $869.99					232	250	251	252
$870 to $899.99					232	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						280	287	288
$990 to $1,019.99						280	296	297
$1,020 to $1,049.99						280	305	306
$1,050 to $1,079.99						280	310	315
$1,080 to $1,109.99							310	324
$1,110 to $1,139.99							310	333
$1,140 to $1,169.99							310	342
$1,170 to $1,199.99								351
$1,200 to $1,229.99								356
$1,230 to $1,259.99								356
$1,260 to $1,289.99								356
$1,290 to $1,319.99								356
$1,320 to $1,349.99								356

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the Total Allotment.* For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,199.99 or less per month.

2. For households with monthly income of $1,200 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,199.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,199.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–4.1 in Appendix D to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–4.2.

APPENDIX D

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Puerto Rico in February 1976.

Households in which all members are included in the federally-aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Puerto Rico*
One	[1] $245
Two	[1] 322
Three	453
Four	573
Five	680
Six	820
Seven	900
Eight	1,033
Each additional member	+127

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$52	$94	$136	$172	$204	$246	$270	$310
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	40	50	52	53	54	55	56	57
$210 to $229.99	42	56	58	59	60	61	62	63
$230 to $249.99	42	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		74	82	83	84	85	86	87
$310 to $329.99		74	88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			118	122	123	124	125	126
$450 to $479.99			118	131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				148	150	151	152	153
$540 to $569.99				148	159	160	161	162
$570 to $599.99				148	168	169	170	171
$600 to $629.99					176	178	179	180
$630 to $659.99					176	187	188	189
$660 to $689.99					176	196	197	198
$690 to $719.99						205	206	207
$720 to $749.99						214	215	216
$750 to $779.99						214	224	225
$780 to $809.99						214	233	234
$810 to $839.99						214	234	243
$840 to $869.99							234	252
$870 to $899.99							234	261
$900 to $929.99							234	270
$930 to $959.99								270
$960 to $989.99								270
$990 to $1,019.99								270
$1,020 to $1,049.99								270

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the Total Allotment.* For each person in excess of eight, add $40 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $929.99 or less per month.

2. For households with monthly incomes of $930 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $929.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $929.99.

3. To obtain maximum monthly purchase requirements for households of more that eight persons, add $36 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households with choose to purchase one-households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–5.1 in Appendix E to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–5.2.

APPENDIX E

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotment for the one-person household.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January allotment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States adjusted for the cost of food in the Virgin Islands in February 1976.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in the Virgin Islands, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Virgin Islands*
One	[1] $245
Two	380
Three	547
Four	693
Five	820
Six	987
Seven	1,093
Eight	1,247
Each additional member	+153

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment

which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the Virgin Islands are as follows:

Monthly coupon allotments and purchase requirements—Virgin Islands

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$62	$114	$164	$208	$246	$296	$328	$374
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	48	56	58	59	60	61	62	63
$230 to $249.99	48	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		88	94	95	96	97	98	99
$360 to $389.99		88	103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			142	149	150	151	152	153
$540 to $569.99			142	158	159	160	161	162
$570 to $599.99				167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				180	186	187	188	189
$660 to $689.99				180	195	196	197	198
$690 to $719.99				180	204	205	206	207
$720 to $749.99					213	214	215	216
$750 to $779.99					214	223	224	225
$780 to $809.99					214	232	233	234
$810 to $839.99					214	241	242	243
$840 to $869.99						250	251	252
$870 to $899.99						259	260	261
$900 to $929.99						260	269	270
$930 to $959.99						260	278	279
$960 to $989.99						260	287	288
$990 to $1,019.99							288	297
$1,020 to $1,049.99							288	306
$1,050 to $1,079.99							288	315
$1,080 to $1,109.99							288	324
$1,110 to $1,139.99								330
$1,140 to $1,169.99								330
$1,170 to $1,199.99								330
$1,200 to $1,229.99								330
$1,230 to $1,259.99								330

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the Total Allotment.* For each person in excess of eight, add $46 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,109.99 or less per month.

2. For households with monthly income of $1,110 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,109.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,109.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $42 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976-6.1 in Appendix F to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976-6.2.

APPENDIX F

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotments for household sizes 1 and 2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. Based on prices provided for Guam, the Agricultural Research Service estimated that the allotment table adopted for the continental United States, adjusted for the cost of food in Guam would be higher than in the fifty States. Thus, the income standards (except for the one-person household which is the same as Hawaii) and the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on July 1, 1976.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Guam, shall be as follows:

Household size:	*Maximum allowable monthly income standards —Guam*
One	[1] $278
Two	413
Three	593
Four	753
Five	893
Six	1,073
Seven	1,187
Eight	1,353
Each additional member	+167

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Guam are as follows:

Monthly coupon allotments and purchase requirements—Guam

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$68	$124	$178	$226	$268	$322	$356	$406
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	54	62	64	65	66	67	68	69
$250 to $269.99	54	68	70	71	72	73	74	75
$270 to $289.99	54	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		98	103	104	105	106	107	108
$390 to $419.99		98	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			156	158	159	160	161	162
$570 to $599.99			156	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				198	204	205	206	207
$720 to $749.99				198	213	214	215	216
$750 to $779.99				198	222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					236	241	242	243
$840 to $869.99					236	250	251	252
$870 to $899.99					236	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						286	296	297
$1,020 to $1,049.99						286	305	306
$1,050 to $1,079.99						286	314	315
$1,080 to $1,109.99							316	324
$1,110 to $1,139.99							316	333
$1,140 to $1,169.99							316	342
$1,170 to $1,199.99							316	351
$1,200 to $1,229.99								360
$1,230 to $1,259.99								362
$1,260 to $1,289.99								362
$1,290 to $1,319.99								362
$1,320 to $1,342.99								362
$1,350 to $1,379.99								362

For Issuance to Households of More Than Eight Persons Use the Following Formula:

A. *Value of the Total Allotment.* For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

It is hereby certified that the economic and inflationary impacts of these appendices have been carefully evaluated in accordance with Executive Order 11821.

Effective date: The provisions hereof shall become effective on July 1, 1976.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: June 28, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-19088 Filed 7-1-76;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Witchweed; Quarantine and Regulations

● *Purpose:* The purpose of this document is to amend the Witchweed Quarantine and Regulations by amending certain regulations therein. ●

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Witchweed Quarantine and Regulations are amended by revising regulations supplemental to the witchweed quarantine (7 CFR 301.80 et seq.) to provide criteria for termination of designations of regulated areas and suppressive or generally infested areas, including temporary designations; to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements; to provide criteria for the issuance of scientific permits to allow the interstate movement of regulated articles and for the issuance of certificates and permits to allow the movement of certain soil samples in emergency situations; to provide procedures for the withdrawal of certificates or permits and cancellation of compliance agreements; to provide a definition of the term "Plant Protection and Quarantine Programs;" and to make various other minor changes for clarification.

Statement of Considerations. In order to prevent the spread of witchweed, the Deputy Administrator is required in the current regulation (7 CFR 301.80-2) to designate in a supplemental regulation, as regulated areas, each quarantined State, or portion thereof, in which witchweed has been found or in which there is reason to believe that witchweed is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator is authorized to divide any regulated area into a suppressive area or a gen-

erally infested area. The regulations are being amended to add provisions for the termination of such designations of regulated areas and suppressive or generally infested areas, including temporary designations, so that such designations shall be terminated when they are no longer necessary to prevent the spread of witchweed.

Under the current regulations (7 CFR 301.80–5), any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under the regulations. The regulations are being amended (7 CFR 301.80–4) to permit the holder of such a compliance agreement to issue certificates for the movement of regulated articles only after such articles have been treated as specified, and are eligible for certification for movement to the place of destination under all Federal domestic plant quarantines. This is necessary because such holders of compliance agreements would not otherwise be able to assure that such regulated articles would not cause the spread of witchweed, or other insect infestations or plant diseases regulated under other Federal domestic plant quarantines.

The regulations are also being amended to clarify that conditions necessary "to prevent the spread of witchweed" may be prescribed by the Deputy Administrator in connection with his issuance of scientific permits to allow interstate movement of regulated articles and issuance of certificates and permits for the movement of soil samples in emergency situations.

The regulations (9 CFR 301.80–4(f)) now authorize the Deputy Administrator or an inspector to withdraw certificates or permits for the movement of regulated articles if he determines that the holder thereof has not complied with any condition for the use of the document imposed by the regulations. The regulations are being amended to provide specifically for procedures for such withdrawals. The regulations (7 CFR 301.80–5) concerning the cancellation of compliance agreements are also being amended to provide for similar procedures for such actions.

A definition of "Plant Protection and Quarantine Programs," the organizational unit responsible for enforcing the Witchweed quarantine and Regulations, is added. Various other minor changes are being made for clarification purposes.

Accordingly, the Witchweed Quarantine and Regulations (7 CFR 301.80 et seq.) are amended as follows:

1. The heading reference to § 301.80–2 in the table of contents is amended to read as follows:

§ 301.80–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

§ 301.80 [Amended]

2. In § 301.80(b) the reference to "§ 301.80–1(o)" is amended to read "§ 301.80–1(p)."

3. In § 301.80(b)(15) the term "Flue-cured" is amended to read "flue-cured."

4. In § 301.80(b)(21) "subparagraphs (1) through (20) of this paragraph" is amended to read "paragraph (b)(1) through (20) of this section."

5. Sections 301.80–1 and 301.80–2 are amended to read as follows:

§ 301.80–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Farm tools.* An instrument worked or used by hand, e.g., hoes, rakes, shovels, axes, hammers, and saws.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.80–2.

(f) *Infestation.* The presence of witchweed or the existence of circumstances that make it reasonable to believe that witchweed is present.

(g) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State into or through any other State.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing, or for treatment.

(j) *Mechanized cultivating equipment; and mechanized harvesting equipment.* Mechanized equipment used for soil tillage, including tillage attachments for farm tractors, e.g., tractors, disks, plows, harrows, planters, and subsoilers; mechanized equipment used for harvesting purposes, e.g., mechanical cotton harvesters, hay balers, corn pickers, and combines.

(k) *Mechanized soil-moving equipment.* Mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump-trucks.

(l) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(m) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(n) *Plant Protection and Quarantine Programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and quarantines and regulations promulgated thereunder.

(o) *Regulated area.* Any quarantined State, or any portion thereof, designated as a regulated area in § 301.80–2a or otherwise designated as a regulated area in accordance with § 301.80–2(b).

(p) *Regulated articles.* Any articles described in § 301.80(b).

(q) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(r) *Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(s) *Soil.* That part of the upper layer of earth in which plants can grow.

(t) *State.* Any State, territory, or district of the United States, including Puerto Rico.

(u) *Suppressive area.* That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Deputy Administrator under § 301.80–2(a).

(v) *Treatment Manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Witchweed Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.[1]

(w) *Witchweed.* Parasitic plants of the genus *Striga* and reproductive parts thereof, including seeds.

§ 301.80–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall designate as regulated areas, in a supplemental regulation des-

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

ignated as § 301.80–2a, each quarantined State, or each portion thereof in which witchweed has been found or in which there is reason to believe that witchweed is present or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may designate any regulated area or portion thereof as a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.80–1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and may designate the regulated area or portions thereof as a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for designating such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.80–2a if a basis then exists for their designation.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area designated as a regulated area or a suppressive or a generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section. The Deputy Administrator or an inspector shall terminate the designation provided for under paragraph (b) of this section of any premises designated as a regulated area or a suppressive or a generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section, and notice thereof shall be given to the owner or person in possession of the premises.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.80–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

6. Section 301.80–3 is amended to read as follows:

§ 301.80–3 Conditions governing the interstate movement of regulated articles from quarantined States.[4]

(a) Any regulated articles, except soil samples for processing, testing, or analysis, may be moved interstate from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.80–4 and 301.80–7, if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles present a hazard of the spread of the witchweed and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under paragraph (a)(2)(v) of this section; or

(2) Without certificate or permit if moved:

(i) From any regulated area under the provisions of § 301.80–2b which exempts certain articles from certificate and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the witchweed exists; or

(v) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(A) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.80–2b; or

(B) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Deputy Administrator in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved[5] by the Deputy Administrator and so listed by him in a supplemental regulation.[6] A certificate or permit will not be required to be attached to such soil samples except in those emergency situations where the Deputy Administrator has authorized such movement to another destination with a certificate or permit issued and attached in accordance with §§ 301.80–4 (d) and 301.80–7. Soil samples originating in areas outside of the regulated areas will not require such a certificate or permit and their movement is not restricted to approved laboratories if the point of origin of such samples is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

7. Section 301.80–4(d) is amended by adding after the words "specific case by the Deputy Administrator" the words "to prevent the spread of witchweed."

8. Paragraphs (e) and (f) of § 301.80–4 are amended to read as follows:

§ 301.80–4 Issuance and cancellation of certificates and permits.

* * * * *

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments of regulated articles (except soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute

[4] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[5] Pamphlets containing provisions for laboratory approval may be obtained from the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250.

[6] For list of approved laboratories, see (41 FR 4615 and amendments thereof).

and issue the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. As soon as possible after such withdrawal, the holder of the certificate or permit shall be notified in writing by the Deputy Administrator or an inspector of the reason therefor and afforded reasonable opportunity to present his views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

9. Section 301.80–5(b) is amended to read as follows:

§ 301.80–5 Compliance agreements, and cancellation thereof.

* * * * *

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds that such other party has failed to comply with the conditions of the agreement. As soon as possible after such cancellation, such party shall be notified in writing by the Deputy Administrator or an inspector of the reason therefor and afforded reasonable opportunity to present views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.80–6 [Amended]

10. In § 301.80–6 the term "restricted destination permit forms" is amended to read "restricted destination permits."

§ 301.80–8 [Amended]

11. In § 301.80–8 the word "Federal" is added after "section 105 of the."

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477, 38 FR 19141.)

Insofar as the amendments of the regulations make more stringent requirements than presently applied, they should be made effective promptly in order to be of maximum benefit to the noninfested States. The other changes do not impose additional obligations on any person. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on these amendments which would alter the decision on these matters.

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

Effective date: This revision shall become effective on July 2, 1976.

Done at Washington, D.C., this 29th day of June 1976.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.76-19289 Filed 7-1-76;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

Designation by Landowner Method for Dividing Allotments

On April 30, 1976, there was published in the FEDERAL REGISTER (41 FR 18090) a notice proposing to amend the rules in regard to the designation by landowner method for determining crop allotments where a farm reconstitution is made by division. The purpose of the proposed amendment was set forth in the notice. Interested parties were given the opportunity to submit, not later than June 1, 1976, comments on the proposal.

The comments received were duly considered and the amendment, as proposed, is adopted without change. The amended § 719.8(b) of the reconstitution regulations, 7 CFR Part 719, is set forth below.

Effective date: This amendment shall become effective on July 1, 1976.

Signed at Washington, D.C., on June 24, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Paragraph (b) of § 719.8 is amended as follows:

§ 719.8 Rules for determining allotments where reconstitution is made by division.

* * * * *

(b) *Designation of allotments by landowner.* (1) If the ownership of a tract of land is transferred from a parent farm, the county committee shall at the request of the transferring owner divide the allotments between the parent farm and the transferred tract, or between the applicable tracts if the entire farm is sold to two or more purchasers, in the manner designated by the owner of the parent farm subject to conditions set forth in paragraph (4) of this section.

(2) If the county committee determines that the allotments cannot be divided in the manner designated by the owner because of the conditions set forth in subparagraph (4), the owner shall be notified and permitted to revise the designation so as to meet the conditions in paragraph (4) of this section. If the owner does not furnish a revised designation of allotments within a reasonable time after such notification or if the revised designation does not meet the conditions of subparagraph (4), the county committee shall make the proration of allotments in accordance with paragraphs (c) through (f) of this section.

(3) If a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (c) through (f) of this section, as applicable, prior to application of the provisions of this paragraph.

(4) The eligibility conditions that shall be complied with for applying this method of division are:

(i) The interested owners (seller and purchaser) shall file a memorandum of understanding of the designation with the county committee. The heirs of an estate may use this method to designate the allotments for allocation to a tract of land sold prior to dividing the parent farm among the heirs in settling an estate: *Provided, however,* That designation by the administrator or executor shall not be accepted in lieu of designation by the heirs.

(ii) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, mortgage, or lien must agree to the division of allotments.

(iii) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive allotments in excess of allotments for similar farms in the same area having allotments of the commodity or commodities involved and such allotments shall be consistent with good land use.

(iv) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer unless the State committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment. In the absence of such a finding, and if the farm contains land which has been owned for less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments with respect to the part which has been owned for 3 years or more.

(v) The land for which ownership is being transferred to a Federal, State, or other agency was not or could not have been acquired under the right of eminent domain. If eminent domain is applicable, the provisions of § 719.11 shall apply.

(5) This method is not applicable to Burley tobacco.

(6) This method may be applied to land identified as Indian Tribal land when leased by the Tribal Council to two or more producers for the production of allotment crops. If the land is leased to two or more producers, the county committee shall at the request of the Tribal Council divide the allotments between the applicable tracts in the manner designated by the Council. This use of the method shall not be subject to the conditions of subparagraph (4).

[FR Doc.76-19037 Filed 7-1-76;8:45 am]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 4–10, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.305 Lime Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is good this week with f.o.b. prices steady. Fresh shipments for the weeks ended June 26, 1976 and June 19, 1976, were 36,593 bushels and 38,033 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes 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 regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 4, 1976, through July 10, 1976, is hereby fixed at 30,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 30, 1976.

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

[FR Doc.76-19387 Filed 7-1-76;8:45 am]

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

[Peach Reg. 7, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grades and Sizes; Requirements

This amended regulation, issued pursuant to the Marketing Agreement and Order No. 917 (7 CFR Part 917; 41 FR 17528), continues the currently effective peach grade and size regulation to include all peach shipments during the 1976 season. Unless amended, such regulation would end on July 3, 1976. The regulation prescribes appropriate minimum sizes, by variety, and a minimum grade of U.S. No. 1 for fresh shipments of California peaches. Such regulation is designed to provide markets with an ample supply of desirable size and quality peaches consistent with the available supply in the interest of consumers and producers. The marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of June 8, 1976 (41 FR 22952), that the Department was giving consideration to a proposal to amend § 917.440 (Peach Regulation 7; 41 FR 20547), effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California, to: (1) Continue the U.S. No. 1 grade requirement, applicable to all No such material was submitted.
varieties of California peaches in fresh shipments, to include all such shipments during the 1976 season; (2) continue, throughout the 1976 season, the specified minimum size requirements applicable to certain varieties listed in the regulation; and (3) specify, from July 3 through October 31, 1976, Size 80 as the minimum size for all varieties not listed in the regulation. This notice allowed interested persons until June 21, 1976, to submit data, views, or arguments for consideration relative to such proposed extension.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Peach Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the regulation of California peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of

such peaches are currently in progress and this amendment should be applicable to all peach shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (4) this amendment was unanimously recommended by the Peach Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. Section 917.440 (Peach Regulation 7; 41 FR 20547) is amended by revising Paragraphs (a) and (b) to read as follows:

§ 917.440 Peach Regulation 7.

(a) During the period July 3, 1976, through May 31, 1977, no handler shall handle: * * *

(b) During the period July 3 through October 31, 1976, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box;

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(3) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

* * * * *

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

Dated: June 30, 1976, to become effective July 3, 1976.

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

[FR Doc.76–19389 Filed 7–1–76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

PROPOSED LOAN AND PURCHASE PROGRAM FOR 1976 CROP

On March 30, 1976, there was published in the FEDERAL REGISTER (41 FR 13363) a notice of proposed rule making concerning the proposed loan and purchase program for 1976 crop tobacco. The notice included a proposed amendment to the tobacco loan program regulations to delete the requirement that eligible tobacco shall be tobacco that was not produced on land owned by the Federal Government. Interested persons were afforded an opportunity to file data, views and recommendations. The views and comments which were received did not relate to the proposed amendment. Accordingly, the proposed amendment of 7 CFR 1464.7(a) and 1464.8 is hereby adopted without change as set forth below.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, (7 U.S.C. 1441, 1445, 1421, 1423); 74 Stat. 6, as amended (7 U.S.C. 1445)).

Effective date: July 2, 1976.

Signed at Washington, D.C. on June 29, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

1. Paragraph 1464.7(a) is revised to read as follows:

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas and acreage allotments for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, "No Price Support," or which, if for other than Flue-Cured or Burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words "No Price Support" and which, if for other than Flue-Cured and Burley tobacco, are designated "Within Quota" marketing cards, where (1) pesticides containing DDT, TDE, toxaphene and endrin have not been used on the tobacco in the field or after being harvested, and (2) tobacco produced on the farm is not produced on acreage which exceeds the acreage allotment established under applicable marketing quota regulations and the producer has furnished a certification of his acreage as required under applicable marketing quota regulations; *Provided however,* That this provision shall not apply to flue-cured tobacco.

* * * * *

2. Section 1464.8 is revised to read as follows:

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with the applicable tobacco marketing quota regulations by (1) a marketing card which does not bear the words "No Price Support", and (2) if other than Flue-Cured or Burley tobacco, a marketing card which is designated a "Within Quota" marketing card; (c) If Puerto Rican tobacco or tobacco of a kind for which marketing quotas have been terminated, is tobacco for which the association has received a certification by the producers that pesticides DDT, TDE, toxaphene and endrin, as defined in Parts 724, 725 and 726 of this title, were not used on the tobacco in the field or after harvest; (d) if Flue-Cured tobacco or Burley tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support", and is for a number of pounds which, when added to the pounds of Flue-Cured or Burley tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year; (e) if flue-cured tobacco which was delivered to the association through an auction warehouse, is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse; (f) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (g) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot, and (h) is in sound and merchantable condition.

* * * * *

[FR Doc.76–19287 Filed 7–1–76;8:45 am]

[Lemon Reg. 46]

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 July 4–10, 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.

§ 910.346 Lemon Regulation 46.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier this week since the trade has already stocked up for the July 4th holiday weekend. Average f.o.b. price was $6.20 per carton the week ended June 26, 1976, compared to $6.10 per carton the previous week. Track and rolling supplies at 230 cars were up 20 cars from last week.

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

(3) It is hereby further found it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 4, 1976, through July 10, 1976, is hereby fixed at 270,000 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: June 30, 1976.

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

[FR Doc.76-19497 Filed 7-1-76;1:46 am]

Title 33—Navigational and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-76-10-R]

PART 127—SECURITY ZONES

Establishment of Security Zones, Hudson River, New York

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Hudson River, New York as a security zone. This security zone is established because of the presence of the President of the United States aboard the *U.S.S. Nashville* (LPD13) during the International Naval Review.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication, because this security zone envolves military and foreign affairs functions of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.344 to read as follows:

§ 127.344 Hudson River, New York.

The waters of Hudson River New York within 50 yards of the U.S.S. *Nashville* (LPD-13) is established as a security zone.

(40 Stat. 220, as amended, § 1, 63, Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Effective date: This amendment is effective from 1300, 4 July 1976 to 1600, 4 July 1976.

Dated: July 1, 1976.

J. L. FLEISHELL,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.76-19500 Filed 7-1-76;11:53 am]

proposed rules

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

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[Docket No. S-307]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Field Sanitary Facilities; Clarification; Extension of Comment Period

On April 27, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17576) by the Occupational Safety and Health Administration (OSHA). It was proposed to amend Part 1928 of Title 29 by adding a new standard requiring sanitation facilities in the field for agricultural workers. The basic intent of the proposed standard is to provide drinking water and toilet and handwashing facilities in the field where such facilities are not otherwise readily accessible and where it is reasonable and necessary to have such facilities in the field. A further proposed requirement is that any food service provided by the employer be prepared and served according to sound hygienic principles. The proposal requested written comments and arguments from interested persons and invited requests for an informal hearing with respect to the proposed rule.

Although the deadline for mailing of these comments and hearing requests is not until July 6, 1976, it is evident from the ones already received that there is a need to clarify certain issues in the proposal in order to avoid confusion and thereby conserve time in the rulemaking process.

The issues raised in the preamble to the proposal of April 27 were abroad. Comments were invited on these issues as well as any other issues raised by the proposal. The issues specifically raised were the following:

1. Should the scope of the standard include all agricultural field operations, and should the requirements be uniformly applied, as provided in the proposal;

2. Whether sanitation facilities, including potable drinking water, toilet and handwashing facilities, and sanitary food service are necessary for the safety and health of agricultural employees engaged in field work;

3. What is an adequate ratio of numbers of toilet and handwashing facilities to the number of employees;

4. Whether alternative compliances such as the provision of transportation, should be permitted for small groups of employees and in what situations, if any, should such alternative compliance apply;

5. Whether the specifications for the location (time/distance) of sanitation facilities are amenable to compliance and enforcement.

All of these issues, with the exception of the third, are aimed at determining those workplaces in American agriculture, if any, in which there is a need for field santitation facilities. The geographically distinctive nature of American agriculture, where one region's products, farming methods, and work practices may vary greatly from those of another region, creates difficult and intricate problems in promulgating federal safety and health regulations. A health hazard that exists for employees engaged in the hand harvest of fruit or vegetable crops may not exist for employees planting or harvesting wheat or corn. More specifically, OSHA solicits comments on the following issues raised in the comments regarding a requirement of sanitation facilities in the field:

1. Should proposed § 1928.110 (c) (3) (i), which requires drinking water to be dispensed either through a fountain with an angled jet outlet or a gravity water tap, apply to agricultural workers involved in operations such as lambing of large herds in vast open pastures; or to workers driving tractors in fields which encompass hundreds of acres? Should field toilet and handwashing facilities be required for such employees?

2. Under § 1928.110(d) (2) (i), toilet facilties would be required within a five-minute walk of an employee's place of work; subsection (iii) provides that the toilet facility requirements would be met for groups of fewer than five employees if such facilities are accessible and immediately available to employees by transportation provided by the employer. Should the alternative set forth in subsection (iii) be made applicable to larger groups of employees?

3. Should proposed § 1928.110(e) (2) (iv), which excepts from its provisions field work that is of a duration of less than two hours, be modified to except work of longer duration, such as three or four hours?

The careful determination of the scope, application and need for a particular regulation is essential to the rulemaking process. With regard to the proposed standard on field sanitation, this process is far from complete. Indeed, this proposal merely initiated the rulemaking process which will provide all interested persons the opportunity to provide their expertise to OSHA, so that OSHA can make an informed decision as to whether a final regulation should be issued, and if so, what requirements it should contain. Only after the entire record is complete will a final decision be made. This record will include all published notices and public comment thereto, as well as the evidence adduced by OSHA and interested parties at informal hearings which have been requested and will be held regionally in various parts of the country. Locations for these hearings will be determined, in part, by geographical concentrations of interested parties commenting on the proposed standard.

In view of the above clarifications, OSHA is hereby extending the period for submission of written data, views and arguments until August 16, 1976. Written data, views and arguments must be submitted to the U.S. Department of Labor, Occupational Safety and Health Administration, Docket Officer, Docket No. S-307, Room N3620, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210, on or before July 20, 1976. The data, views and arguments will be available for public inspection and copying at the above address.

Signed at Washington, D.C., this 25th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

NOTE.—This document originally appeared at 41 FR 26716, June 29, 1976. This republication incorporate a correction to the comment date which appeared at 41 FR 26941, June 30, 1976.

[FR Doc.76-19033 Filed 6-28-76;11:30 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 206]

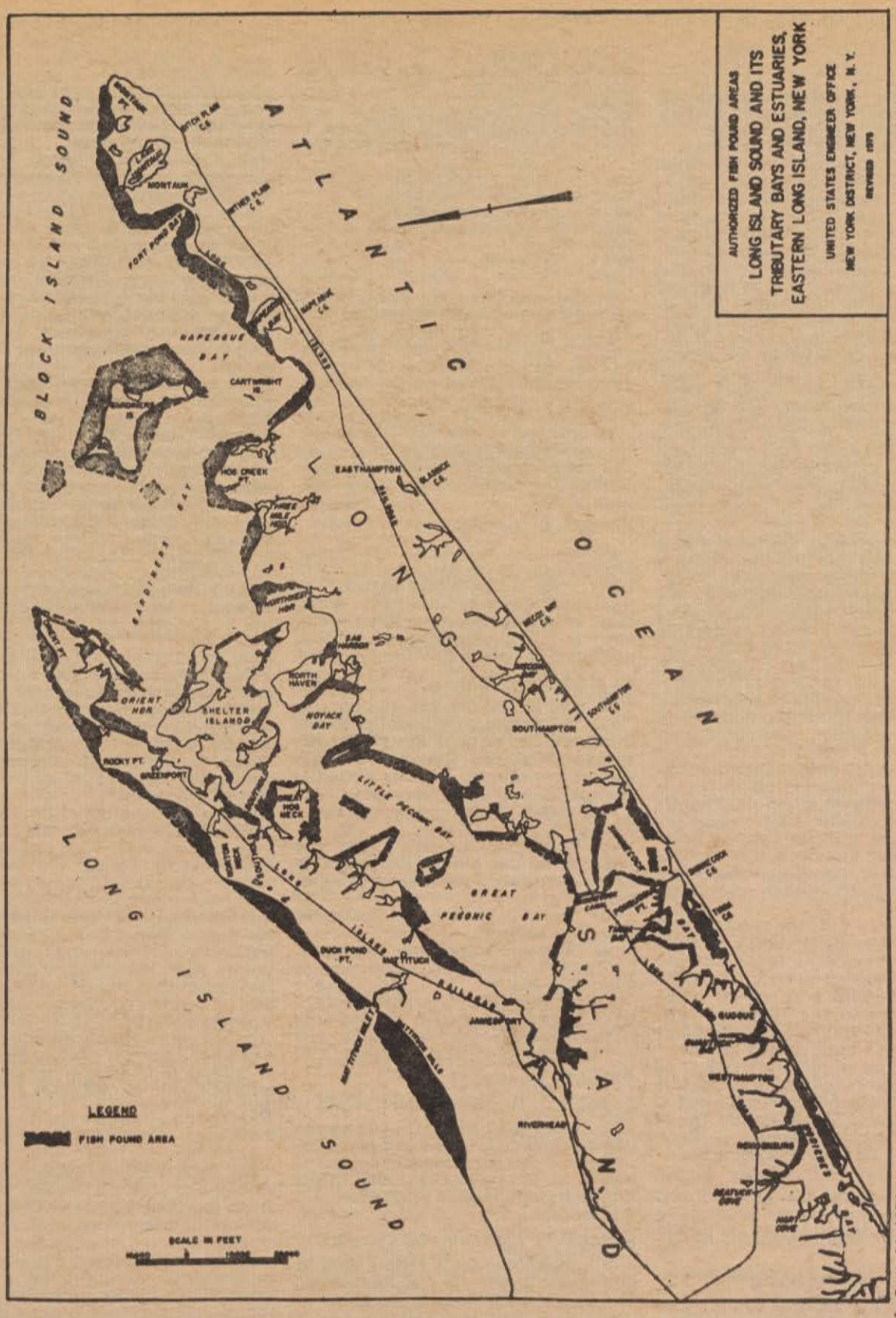
FISHING AND HUNTING REGULATIONS

Enlarged Limits

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 USC 1), 32 CFR 206.40 is hereby proposed to be amended by establishing new enlarged limits for fish pounds and traps in water tributary to the Atlantic Ocean in the vicinity of Long Island, New York. The areas are proposed to alleviate crowded conditions in previously authorized areas in the vicinity of the Town of Southampton, New York, and are at the request of the Town Board of Trustees. This proposed change affects the designated fish trap areas only and does not modify the regulation itself.

Prior to the adoption of the proposed regulation consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before August 2, 1976.

§ 206.40 Bays and estuaries tributary to the Atlantic Ocean between Montauk Point, N.Y., and Cape Charles, Va., and in the State of New York, tributary to Long Island Sound; fishing.



MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

Dated: June 21, 1976.

[FR Doc.76-19273 Filed 7-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 6220]

VIABLE CORAL COMMUNITIES LOCATED ON THE OUTER CONTINENTAL SHELF

Management

This proposed rulemaking sets forth the rules and procedures that will be the basis for the management of viable coral communities located on the Outer Continental Shelf. The viable coral communities covered by this proposed rulemaking are unique balanced ecosystems that are of great scientific interest and value to students of the sea. It is in the public interest to properly manage them so that their aesthetic and scientific values are protected for the benefit and enjoyment of the public. In addition to their aesthetic and scientific value, viable coral communities often function to maintain marine hydrological patterns and blunt the wave impact on shorelines and other resources. This proposed rulemaking will extend proper management safeguards to the viable coral communities on the Outer Continental Shelf.

The proposed rules are being issued pursuant to the provisions of section 7 of Secretarial Order Number 2978 published on page 42039 of volume 40, No. 176 of the FEDERAL REGISTER of September 10, 1975, and are in conformance with the authority conferred upon this Department by the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.).

The proposed rules add a new subpart that provides the management procedure for use in connection with viable coral communities.

It is hereby determined that the publication of the proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until August 2, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.).

Chapter II of title 43 of the Code of Federal Regulations is amended as follows:

PART 6220 [AMENDED]

1. The table of contents of Part 6220 is amended by adding a new Subpart 6224 as follows:

* * * * *

Subpart 6224—Viable Coral Communities

Sec.
6224.0–1 Purpose.
6224.0–3 Authority.
6224.0–5 Definitions.
6224.1 Permits.
6224.1–1 Requirements for a permit.
6224.1–2 Application for a permit.
6224.1–3 Action on an application for a permit.
6224.1–4 Operations pursuant to a permit.
6224.1–5 Suspensions of operations.
6224.1–6 Revocation of a permit.
6224.2 Bonding requirements.
6224.3 Fees.
6224.4 Exceptions.
6224.5 Penalties.

AUTHORITY: Sec. 5, Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1334).

A new Subpart 6224 is added as follows:

Subpart 6224—Viable Coral Communities

§ 6224.0–1 Purpose.

The purpose of this subpart is to provide regulations relating to the protection and management of the viable coral communities located on the Outer Continental Shelf.

§ 6224.0–3 Authority.

Section 5 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1334), gives the Secretary authority to administer the provisions of that Act as they apply to the Outer Continental Shelf and to issue necessary rules and regulations to carry out that authority.

§ 6224.0–5 Definitions.

As used in this subpart, the term:

(a) "Viable Coral Community" means living coral and all dead coral formations and associated reef organisms that are part of a coral reef or other ecological community containing living corals.

(b) "Outer Continental Shelf" is defined in 43 U.S.C. 1331(a).

(c) "Authorized Officer" means any employee of the Bureau designated to perform the duties described in this subpart.

(d) "Bureau" means the Bureau of Land Management.

(e) "Person" means any individual, partnership, corporation, association, or other legal entity.

(f) "Proper Office" means the OCS office having jurisdiction of the area where the viable coral community that is the subject of interest is located.

§ 6224.1 Permits.

§ 6224.1–1 Requirement for a permit.

No person shall engage in any operation which directly causes damage or injury to a viable coral community that is located on the Outer Continental Shelf without having obtained a permit for said operations.

§ 6224.1–2 Application for a permit.

(a) Application for a permit shall be filed in the proper office of the Bureau.

(b) No specific form is required.

(c) Each application shall include:

(1) The name, legal mailing address and telephone number of each person intending to participate in the operations covered by the application.

(2) A description of the proposed area of the operations.

(3) A map or maps, such as a National Ocean Survey Map, with a scale of not less than 1:80,000 delineating the proposed area of operations.

(4) Information in detail describing the nature of the proposed operations and how the operation will be conducted.

(5) If coral specimens are to be taken, the purpose of such taking, the method of taking, the currents and their velocity in the area of taking, the depth of taking, the size and type of coral to be taken, and the estimated fair market value of the coral to be taken.

(6) The approximate dates of commencement and termination of the operation.

(7) An affirmative statement that the operation will use methods that are designed to do minimum harm and disturbance to the viable coral community covered by a permit and those viable coral communities adjacent thereto. Also, an explanation of the procedures that will be taken to assure protection of said viable coral communities during said operation.

§ 6224.1–3 Action on an application for a permit.

(a) Within 60 days of receipt of the application for a permit, the application will be reviewed and the applicant will be:

(1) Notified in writing that the application is approved and a permit issued or is disapproved and a permit denied and the reasons therefor; or

(2) Notified in writing of any changes in, or additions to, the application deemed necessary by the authorized officer to meet the purpose of the regulations of this subpart, or;

(3) Notified in writing that the application is being reviewed, but that more time, not to exceed an additional 60 days, is necessary to complete the review, setting forth the reasons why additional time is necessary.

(b) A permit shall be granted for a period not to exceed 12 months and shall terminate on the expiration date shown therein unless extended by the authorized officer. One extension of not to exceed 12 months may be granted by the authorized officer.

(c) The rejection of an application for a permit and denial of said permit shall be subject to a right of appeal in accordance with 43 CFR Part 4, Subpart E.

§ 6224.1–4 Operations pursuant to a permit.

(a) Any and all operations carried out pursuant to a permit granted pursuant to the provisions of this subpart shall be conducted in accordance with the terms of the permit.

(b) At any time during operations conducted under a permit issued pursuant to this subpart, the authorized officer may require a change in the operations in order to minimize unforeseen disturbance or harm to a viable coral community. The reason for such change

shall be furnished the permittee in writing. If the permittee does not make the changes required by the authorized officer, appropriate action, including the suspension of operations, will be initiated to assure compliance with these regulations and protection of the viable coral community.

(c) The decision of the authorized officer to require a change in the operations of a permittee is subject to appeal in accordance with 43 CFR Part 4, subpart E.

§ 6224.1–5 Suspension of operations.

If the authorized officer determines that the operations conducted by a permittee on a viable coral community pursuant to a permit are not being conducted in accordance with the provisions of the permit or of this subpart, he may after notification to the permittee, order an immediate suspension in operations.

§ 6224.1–6 Revocation of a permit.

A permit may be revoked if the permittee fails to comply with any of the provisions of the permit or of this subpart. No permit shall be revoked until the permittee has been notified in writing, in person, or at the address required by Section 6224.1–2 hereof. Said revocation shall be effective upon delivery. A revocation is subject to appeal in accordance with 43 CFR Part 4, subpart E.

§ 6224.2 Bonding requirements.

(a) The applicant, prior to the issuance of a permit, shall furnish a bond in an amount to be determined by the authorized officer conditioned upon compliance with the terms of the permit. The authorized officer may require additional security in the form of a supplemental bond or bonds or an increase in the coverage of an existing bond, if, after the commencement of operations, such additional coverage is deemed necessary.

(b) In lieu of a bond, the applicant may deposit and maintain in a Federal depository, as directed by the authorized officer, cash in amount equal to the required dollar amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond.

(c) When operations have been completed, the permittee shall notify the authorized officer, and the authorized officer shall, if satisfied that the permittee has performed in compliance with the provisions of the permit and this subpart, release the bond.

(d) The authorized officer may waive the requirement for a bond on a permit issued to a State and its political subdivisions and bona fide non-profit research organizations.

§ 6224.3 Fees.

(a) Each application shall be accompanied by a $25.00 non-refundable filing fee.

(b) In the case of permits for commercial purposes, the authorized officer may set a fee based on the estimated fair market value of the coral taken from the viable coral community for commercial purposes, but in no event shall said fee be less than 5 percent of said estimated fair market value.

§ 6224.4 Exceptions.

The regulations of this subpart shall not apply to emergency activities taken to save human lives or property jeopardized at sea.

§ 6224.5 Penalties.

Any person who knowingly and willingly violates the regulations of this subpart shall be guilty of a misdemeanor and punishable by a fine of not more than $2,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. Each day of violation shall be deemed a separate offense.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

JUNE 30, 1976.

[FR Doc.76–19383 Filed 7–1–76;8:45 am]

Fish and Wildlife Service

[15 CFR Parts 13, 17]

ENDANGERED PLANTS

Public Hearing

In the FEDERAL REGISTER dated July 1, 1975 (40 FR 27823–27924) the U.S. Fish and Wildlife Service (hereinafter the Service) announced the initiation of its review of the status of approximately 3,000 U.S. vascular plants to determine whether they were Endangered Species or Threatened Species as provided for by the Endangered Species Act of 1973 (hereinafter the Act). On April 21, 1975 (40 FR 17612) the Service had announced its first plant review, of four eastern U.S. species.

In the FEDERAL REGISTER dated September 26, 1975 (40 FR 44329–44333), with emendations October 22 (40 FR 49347–49348) and December 8 (40 FR 57221), the Service published its proposal to determine that approximately 216 species of flora and fauna included on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora were Endangered Species pursuant to the Act. A number of floral taxa were included in this proposal.

In the FEDERAL REGISTER dated June 7, 1976 (41 FR 22915–22922) the Service published Proposed Rules which would set forth prohibitions on certain uses of Endangered or Threatened Plants, provide for the issuance of permits for exceptions to those prohibitions, and provide for a number of related actions.

In the FEDERAL REGISTER dated June 16, 1976 (41 FR 24523–24572) the Service published a proposal to determine approximately 1700 U.S. floral taxa to be Endangered Species pursuant to the Act.

Since all of these various actions are related and since the final decisions resulting from these various proposals will be the first application of the provisions of the Act to plants, the Service is especially interested in obtaining as wide and comprehensive public participation in these decisions as possible. Therefore, the Service hereby announces that public hearings will be held on these proposals at the dates and locations set forth below.

Views and opinions of any person, presented either orally or in writing, are hereby solicited on these various proposals. Persons wishing to testify in person should contact the individual indicated in the appropriate entry below.

Persons who have submitted their views in response to the request for comments published in the FEDERAL REGISTER entries named above need not repeat these views at the public hearings unless they so desire.

Dates, locations, and contact person for public hearings

Date and time	Location	Contact
July 14, 1976, 9 a.m.	Kamehameha Ballroom 1 and 2, Surfrider Hotel, 2353 Kalakaua Ave., Honolulu, Hawaii.	Mr. Eugene Kridler, Hawaiian Life Bldg., 1311 Kapiolani, Room 606, Honolulu, Hawaii 96814. Telephone: 808–546–5615.
July 22, 1976, 9 a.m.	South Starlight Room, Hacienda Motel, 525 Sepulveda Blvd., El Segundo, Calif.	Mr. Gene Wilson, U.S. Fish and Wildlife Service, 400 Oceangate, Suite 1000, Long Beach, Calif. Telephone: 213–436–1183.
July 28, 1976, 9 a.m.	European Room, Hilton Airport Plaza Inn, 8801 Northwest 112th St., Kansas City, Mo.	Mr. Tom Saunders, U.S. Fish and Wildlife Service, 601 East 12th St., Kansas City, Mo. 64104. Telephone: 816–374–5951.
Aug. 4, 1976, 9 a.m.	Auditorium, General Services Bldg., 18th and F Sts. NW., Washington, D.C.	Mr. John Paradiso, Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240. Telephone: 202–343–7814.

In addition to oral or written comments presented in person at the public hearings, individuals may forward written comments to the U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. Any such comments received through 4 p.m., August 14, 1976, will be incorporated into the records of these hearings and such information will be considered by the Service in arriving at final decisions on the various proposals.

Dated: June 25, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.76–19139 Filed 7–1–76;8:45 am]

[50 CFR Part 20]

MIGRATORY BIRDS

Supplemental Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This supplemental proposed rulemaking is the third notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations. It deals specifically with proposed early season frameworks and proposed Canada goose hunting regulations in Wisconsin.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (40 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. Additional supplemental proposals will be published in the FEDERAL REGISTER for other migratory game bird hunting regulations as information becomes available. Although public comment will be solicited, it is anticipated that the comment period will necessarily be abbreviated because of the late date at which necessary data will become available.

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

In response to the FEDERAL REGISTER publication of proposed hunting frameworks for migratory game birds on March 3, 1976 (41 FR 9177), 87 comments had been received as of June 22, 1976. These represented views of 5 flyway council and technical committees, 15 State conservation agencies, 16 national or regional conservation organizations, and 51 individuals. As a result of the above comments, plus comments presented at the Annual Regulations Conference for Migratory Shore and Upland Game Birds on June 22, 1976, the following regulations proposals are made, or proposed regulations frameworks reaffirmed. The regulatory topics are presented in the same order, and as numbered, in the FEDERAL REGISTER dated March 3, 1976. The omissions from the list of those proposals relate to certain waterfowl and other migratory game bird regulatory matters which are deferred until August 13, the date scheduled for supplemental proposed rulemaking publication of late season frameworks in the FEDERAL REGISTER. The Fish and Wildlife Service responses enumerated by topics relate to those written comments resulting from the FEDERAL REGISTER publication.

1. *Shooting hours.* Twenty-seven responses concerned the proposed shooting hours for migratory game birds. Of the 17 opposing responses originating from organizations and individuals, most focused upon the proposed continuation of one-half hour prior to sunrise shooting of most waterfowl species. Notable among the dissenting views are statements by Defenders of Wildlife, Fund for Animals, National Audubon Society, Society for Animal Protective Legislation, and Wildlife Preserves, Inc., all of which opposed the continuation of pre-sunrise hunting of migratory game birds, particularly waterfowl. These opponents generally stated that most hunters are unable to identify waterfowl in flight during this time period. No additional data were provided to support this viewpoint. No information is available to indicate that hunting during these hours jeopardizes the status of any waterfowl or other migratory bird populations. Consequently, it is proposed that shooting hours for all migratory game birds be from one-half hour before sunrise to sunset except that shooting hours during the September teal season be from sunrise to sunset. These recommendations represent no change from regulations in effect in 1975–76.

4. *Sea ducks.* Seven comments were received, three in favor of the recommendation and four in opposition. Wildlife Preserves, Inc., reiterated its concern about special seasons for certain waterfowl, noting that such seasons require accurate hunter identification of birds in flight, and alleged that insufficient information is available on the status of these species. No additional or new data were provided to support these views. The same response expressed by the Service in item 1 applies to these concerns.

In addition, it was proposed by the State of New Jersey that the opening framework on sea ducks in designated areas of the Atlantic Flyway be changed from September 1 to September 18 to allow certain sea ducks, particularly eiders, produced this year to develop more fully before hunting seasons commence. A proposal to this effect is supported by the State of Maine. Also, it is noted that in 1975 no participating States selected sea duck hunting seasons prior to September 19. The Service concurs in this proposal.

5. *September teal season.* Nine comments, five in support and four in opposition to continuation of September teal seasons, were received. Two organizations expressed concern about regulations which require the identification of waterfowl in flight, particularly during the period one-half hour before sunrise. They also expressed concern about the hunting of species for which they alleged insufficient population information is available. No additional or new data were provided to support these views, and it is noted that during the September teal season hunting is not permitted during the period one-half hour before sunrise. The same response expressed by the Service in item 1 applies to these concerns.

12. *Canada geese in Wisconsin.* As a result of legislative action, the Wisconsin Department of Natural Resources was granted authority to implement a Canada goose hunting permit and tagging system. In the past the permit and tagging program in the Horicon Zone was conducted cooperatively by the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources, and procedures relating to the operation of this system in the Horicon Zone were described in detail in Federal regulations. There no longer is need to contain this information in the Federal regulations as these requirements will be included in appropriate Wisconsin State hunting regulations. Consequently, the Federal regulations will specify that the harvest quota of Canada geese in Wisconsin will be set at 28,000 birds for the 1976–77 hunting season, and will specify daily bag and possession limits, season dates, and the provision that all persons hunting Canada geese in the Horicon Zone in Wisconsin be required to possess a valid State Canada goose permit and tag furnished by the Wisconsin Department of Natural Resources. The present proposals include season and possession limits of 1 goose in the Horicon Zone. The season in this area will be selected later. Illinois, the other major State involved in the management of these geese, supports the harvest quota. As a result of these management changes, the title for this Item 12 has been changed from Horicon Zone Canada geese to Canada geese in Wisconsin. These regulations are proposed at this time to inform the public about the September 20, 1976, deadline for submitting applications for Horicon Zone Canada goose hunting permits and to allow a 15-day public comment period, ending July 17, 1976.

13. *Migratory game birds in Alaska.* Only one response, from the Alaska Fish and Game Department, related to this topic. This response included a detailed proposal which, if accepted, would stabilize hunting regulations for migratory game birds in Alaska for five consecutive hunting seasons, beginning with the 1976–77 season. No action is contemplated on the proposal at this time for a number of reasons, including concern about need for additional information on periodic reporting on progress of such a program, concern about the proposed increases in bag and possession limits proposed for some species, and terminology applied to some migratory game birds. Also, it was believed that interested parties should be afforded greater opportunity to review and comment upon the proposal.

17. *Gallinules.* Of the seven comments received, five favored the proposed regu-

lations and two were opposed. The latter expressed concern about information on the species being insufficient to reflect their population status. No new or additional information were provided. Consequently, no changes in hunting regulations for these species are proposed.

18. *Rails.* Of the four comments received, two favored the proposal that regulations be the same as those in effect during the 1975–76 hunting season. The two dissenting comments related to king rails in Kansas where no season has been allowed for several years in recognition of general low population levels in the interior States. The two respondents proposing the resumption of hunting seasons on the species in Kansas provided no new or additional information to support their views. Consequently, no changes are proposed in the rail hunting regulations.

19. *Common (Wilson's) snipe.* Eight respondents commented on regulations proposed for this species. Six favored the proposal whereas two were opposed. The original proposal indicated that although no changes in regulations were being advocated at that time, the U.S. Fish and Wildlife Service would consider requests for longer snipe seasons in the Atlantic Flyway, except Florida, and in the Mississippi and Central Flyways. The original proposal noted that longer snipe seasons had been offered in the Pacific Flyway and Florida in recent years and that no consistent harvest trend seemed associated with the longer seasons. Furthermore, no adverse effects had been noted upon local or continental snipe populations. Consequently, it is proposed that 107-day snipe hunting seasons be offered to all States in the Atlantic, Mississippi, and Central Flyways.

Further, it is proposed that the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico be permitted to choose 93-day hunting seasons independent of their waterfowl hunting seasons. This proposal is supported by both the Central and Pacific Flyway Councils. Adoption of the proposal would afford slightly increased snipe hunting opportunity with no anticipated detrimental effects upon local or continental populations.

20. *Woodcock.* Three comments, two in favor and one in opposition, were received relative to the proposal that no regulatory changes be made this year in the woodcock hunting regulations. The dissenting State, New Jersey, proposed that zoning be permitted in that State. The request included a detailed report on the objectives of the study and means by which it would be evaluated. At the present time, States are not permitted to zone for obtaining differential hunting seasons, each of the maximum permitted length. It is recommended that the proposal not be accepted at this time but that it be given additional study by the U.S. Fish and Wildlife Service and other interested parties prior to its possible acceptance. The implementation of a zoning provision requires careful study as other States may wish to avail themselves of similar opportunities. It is important that the effects of zoning be understood in terms of changed harvests, and that means be developed for evaluating and compensating for possible harvest increases arising from zoning. The Service intends to work cooperatively with New Jersey and appropriate technical committees to insure that the proposal is given appropriate review and consideration. It is proposed that no changes be made in woodcock hunting frameworks at this time.

21. *Band-tailed pigeons.* Two respondents commented and favored the recommendation that no change be made in the hunting regulations for this species during the 1976–77 hunting. Consequently, no change is proposed.

22. *Mourning doves.* Nine respondents offered comments on proposed mourning dove regulations. These recommendations were unchanged from 1975–76 except that provision was made for boundary changes between northern and southern hunting zones in Louisiana, Mississippi, Alabama, and Georgia. Under prior agreement, and following three years of no boundary changes, it is proposed that these States be offered the option to adjust their zone boundaries, or else choose not to zone their State for hunting purposes. Any boundaries changed are to remain in effect for the next three years. The recommended boundaries were developed by the respective States and endorsed by the Southeastern Association of Game and Fish Commissioners.

Most of the adverse comments related to the proposed continuation of mourning dove hunting in September. These comments originated from several individuals and organizations, notably Defenders of Wildlife, the Society for Animal Protective Legislation, and Dr. Henry Weber, who represented several western conservation organizations. These critics maintained that it was biologically unsound to allow hunting during September when some mourning doves are still nesting. Dr. Weber maintained that such hunting was an abuse of discretionary authority conveyed by the Migratory Bird Treaty Act of 1918. He further stated that the loss of 100 million doves annually in the United States to hunting would likely lead to the extermination of the species. In responding to htese allegations, Service biologists pointed out that mourning dove call-count survey results indicate that the 1976 index was 10.8 percent above the mean for the 1966–75 period. After due consideration of written statements and comments, it is proposed that no changes be made in the 1976–77 hunting regulations except for the boundary changes noted for four southeastern States. It is recognized that some mourning doves are still nesting in September but most of the year's production occurs before then. No more than 10% of the total nationwide seasonal production for a particular year occurs in September or thereafter and it is not believed that hunting in September is detrimental to this species.

23. *White-winged doves.* One proposal was received in favor, and one in opposition to the proposal that no change be made in hunting regulations. Texas recommended that the number of permissible hunting days be reduced from seven to five half-days in response to somewhat lower breeding populations. The Service consequently proposes that Texas be allowed five half-days of hunting in specified areas within a framework of September 1 through December 31, 1976. Last year the season framework was September 1–14. The proposed longer season framework will be a regulations simplification as it makes the frameworks for all white-winged dove hunting States uniform. The impact of additional harvest resulting from the longer framework has no biological significance as the bulk of the white-winged doves depart South Texas in September.

24. *Hawaii mourning doves.* No comments received. Consequently, no change is proposed in the original recommendations.

25. *Designated areas closed to Canada goose hunting.* Three comments, all favorable, were received. Consequently, no change is proposed.

PROPOSAL FOR CANADA GEESE IN WISCONSIN

As a result of the changes discussed in Item 12 under "Review of Public Comments and Service Responses to Same," the Service proposes to amend paragraph (d) of § 20.105 to reflect the changes in its regulations. Section 20.105(d) currently reads as follows:

(d) *Canada geese in the Horicon Zone.* (1) In Wisconsin during the 1975–76 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone include portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons and limits for Canada geese:

Daily bag limit: 1.
Possession limit: 1.
Season dates: October 9–October 26, inclusive.

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and cary on his person a valid Horicon Zone Canada goose tag hunting permit with correspondingly numbered report card and metal Canada goose tag. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession.

(5) Immediately after a Canada goose is killed in the Horicon Zone and reduced to possession, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tab must re-

main on the goose until it reaches the abode of the permit holder.

(6) Each person hunting Canada geese in the Horicon Zone must report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) Permit application procedure:

(i) Applications for Horicon Zone Canada Goose Hunting Permits must be submitted by mail and postmarked no later than September 12, 1975. Only holders of a current valid hunting license may apply. Each application must contain the applicant's first name, middle initial (if any) and last name. It shall be unlawful for any person to apply for or use more than one permit per year or to submit an application containing false information. Applications from persons in the military service on duty outside the State during the regular application period will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin Department of Natural Resources offices in Spooner, Rhinelander, Eau Claire, Green Bay, Madison and Milwaukee.

(iii) If the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly accepted if they are accompanied by a notatogether in the Horicon Zone, each must fill out an application form and submit it together with the applications from other members of the group in one envelope marked "Group Application." Group applications will be considered in the selection as one application.

It is proposed to amend § 20.105(d) by:

1. Revising the title of paragraph (d) to read as follows: (d) *Canada geese in Wisconsin.*

2. By revising (d)(1) to read: (1) In Wisconsin during the 1976–77 season, the harvest quota of Canada geese will be 28,000 birds.

3. By revising (d)(2) to read: (2) State regulations will describe the area known as the Horicon Zone, and specify the number of geese to be harvested in that area.

4. By deleting paragraphs (d)(5), (d)(6), and (d)(7) as no longer necessary.

PUBLIC COMMENT INVITED

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments and testimony received. Comments, testimony, and any additional information received may lead to final regulations differing from the proposed frameworks contained herein.

It should be noted that the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in Washington, D.C., in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purpose of this meeting was for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were invited.

In some instances, certain regulations proposed in the March 3, 1976, FEDERAL REGISTER were not discussed at the June 22 meeting since no additional population information is available for these species and regulations do not vary significantly from year to year. However, all comments and recommendations received on the March 3 proposals have been taken into consideration.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than July 17, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2257, U.S. Department of the Interior, C Street between 18th and 19th Streets, Washington, D.C.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

This notice of proposed rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: June 29, 1976.

F. EUGENE HESTER,
Acting Director,
U.S. Fish and Wildlife Service.

PROPOSED REGULATIONS FRAMEWORKS FOR 1976–77 EARLY HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning dove, white-winged doves, band-tailed pigeons, rails, woodcock, snipe and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; and for waterfowl, coots, snipe, and cranes in Alaska. Frameworks are summarized below.

NOTE.—Any State desiring its season in September on gallinules or snipe must make its selection at this time. Those States which desire their gallinule or snipe season to open after September may make their selection at the time they select their regular waterfowl season.

MOURNING DOVES

Between September 1, 1976, and January 15, 1977, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: (All States east of the Mississippi River and Louisiana).

1. Shooting hours between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama. The South Zone consists of the Counties of Baldwin, Clarke, Coffee, Conecuh, Covington, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, and Washington. The North Zone consists of the remaining counties.

Georgia. U.S. Highway 280.

Louisiana. Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi. State Highway 12 from the Arkansas State line to Kosciusko, and State Highway 14 from Kosciusko to the Alabama State line.

B. Within each zone, these States may select a hunting season of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the southern zones of these States may commence no earlier than September 20, 1976.

Central Management Unit: (Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming).

1. Shooting hours between ½ hour before sunrise and sunset daily in all States except that in Texas during the white-winged dove season, the shooting hours may be between 12 o'clock noon and sunset in those counties where white-winged dove hunting is allowed;

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

4. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods;

B. The North Zone may have a season of not more than 60 days between September 1, 1976, and January 20, 1977.

C. The South Zone may have a season of not more than 60 days between September 20, 1976, and January 20, 1977. In the Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season must be within the September 20, 1976 to January 20, 1977, period (60 days less the number of days of the white-winged dove season).

5. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington).

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

White-Winged Doves

Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1976, and December 31, 1976, and daily bag and possession limits as stipulated below. Shooting hours may be selected between ½ hour before sunrise and sunset, except in Texas where shooting hours may be selected between 12 o'clock noon and sunset.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days, to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the Counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours to conform with those for mourning doves.

Nevada may select a hunting season for the Counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 half-days for the following Counties only: Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

Band-Tailed Pigeons

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1976, and January 15, 1977. The shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 8 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1976. The shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations. *Provided,* That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State game department, and such permit will be valid in that State only; and *Provided further,* That this season shall be open only in the areas delineated by the respective States in their hunting regulations.

New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line ~~east~~ to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1976, and November 30, 1976, in the North Zone, and October 1, 1976, and November 30, 1976, in the South Zone, New Mexico may select hunting seasons not to exceed 20 consecutive days in each zone.

Rails

Clapper, King, Sora, and Virginia

The States included herein may select seasons betwen September 1, 1976, and January 20, 1977, on clapper, king, sora, and Virginia rails as follows:

The season length for all species of rails may not exceed 70 days.

Shooting hours in all States for all species may be selected between ½ hour before sunrise and sunset.

Clapper and King Rails

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia Rails

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways. No hunting season is prescribed for rails in the Pacific Flyway.

Woodcock

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1976, and February 28, 1977, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively, *Provided,* That in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty.

Common (Wilson's) Snipe

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1976, and February 28, 1977, not to exceed 107 days, except that in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons not to exceed 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico between September 1, 1976, and February 28, 1977.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons.[1] In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours may be selected between ½ hour before sunrise and sunset. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern Flyways may defer selection of their snipe season at this time and make their selection at the time they select their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

Gallinules

States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1976, and January 20, 1977, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively.

States may select their gallinule seasons at the time they select their waterfowl seasons. If the selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyaway)

A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is

[1] The Pacific Flyway consists of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; those portions of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the Counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

prescribed during the period between September 18, 1976, and January 20, 1977, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line beginning between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any boy which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States of the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours are ½ hour before sunrise until sunset daily.

Any State desiring its sea duck season to open in September must make its selection no later than July 30, 1976. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

SEPTEMBER TEAL SEASON

Between September 1 and September 30, 1976, an open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 30, 1976.

MIGRATORY GAME BIRD SEASONS IN ALASKA

Between September 1, 1976, and January 26, 1977, Alaska may select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. Shooting hours on all species are ½ hour before sunrise until sunset daily.

2. *Season lengths:*

A. In the Pribilof, Kodiak, and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

B. Except: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

D. An open season of 65 days for snipe.

E. An open season of 45 consecutive days for lesser sandhill (little brown) cranes.

3. *Bag and Possession Limits:*

A. *Ducks.* A basic daily bag limit of 6 and a possession limit of 18 ducks. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. *Geese.* A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant.* A daily bag limit of 4 and a possession limit of 8.

D. *Coots.* A daily bag and possession limit of 15.

E. *Common (Wilson's) snipe.* A daily bag limit of 8 and a possession limit of 16.

F. *Lesser sandhill (little brown) cranes.* A daily bag limit of 2 and a possession limit of 4.

Accordingly, in § 20.105 the title of paragraph (d) and paragraphs (d)(1) and (d)(2) are amended, paragraphs (d)(5), (d)(6), and (d)(7) are deleted. As revised § 20.105 reads as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) *Canada geese in Wisconsin.* (1) In Wisconsin during the 1976–77 hunting season, the harvest quota of Canada geese will be 28,000 birds.

(2) State regulations will describe the area known as the Horicon Zone, and specify the number of geese to be harvested in that area.

(3) Seasons and limits for Canada geese:

Daily bag limit: 1.
Possession limit: 1.
Season dates: (To be determined later).

(4) Each person Hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid Horicon Zone Canada goose hunting permit with a correspondingly numbered report card and metal Canada goose tax. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession.

* * * * *

[FR Doc.76-19203 Filed 7-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Area No. 3 Committee to spend $2,191.40 for its operations during the fiscal period ending June 30, 1977, and to collect one-half cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 15, 1976. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.275 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the Area No. 3 Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to $2,191.40.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.005 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpected income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

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

Dated: June 28, 1976.

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

[FR Doc.76-19171 Filed 7-1-76;8:45 am]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Idaho-Eastern Oregon Onion Committee to spend not more than $231,000 for its operations during the fiscal period ending June 30, 1977, and to collect five and one-quarter cents per hundredweight on assessable onions handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 15, 1976. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.220 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to $231,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0525 per hundredweight or equivalent quantity of assessable onions handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 958.44.

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

Dated: June 28, 1976.

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

[FR Doc.76–19170 Filed 7–1–76;8:45 am]

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MULHEUR COUNTY, OREGON

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Idaho-Eastern Oregon onions, would require minimum quality standards and inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958). This program regulates the handling of onions grown in the production area defined therein and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1976 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about July 25.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to the grade, size, quality, pack and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250 not later than July 14, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 958.321 Handling regulation.

During the period July 25, 1976, through April 30, 1977, no person may handle any lot of onions, except red varieties, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements.* (1) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(2) *All other varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) or (e) of this section.

(c) *Special purpose shipments.* The minimum grade, size, quality, pack and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Cannning; and
(6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certification of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, pack and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as defined in the United States standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types), as amended (§§ 51.2830–51.2854 of this title), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: June 28, 1976.

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

[FR Doc.76–19168 Filed 7–1–76;8:45 am]

[7 CFR Part 980]

ONION IMPORTS

Proposed Rulemaking

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements

to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, a regulation to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in duplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 14, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 980.115 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 25, 1976, and continuing through April 30, 1977, no person may import any lot of onions, except red varieties, unless such onions are inspected, are at least "moderately cured" and meet the other requirements of this section.

(a) *Grade and size requirements*—(1) *White varieties:* U.S. No. 2, or better grade, 1 inch minimum diameter.

(2) *All other varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country or origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e of the act (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice (days)
All Texas points.	Leo M. Denbo, P.O. Box 107, San Juan, Tex. 78589. Phone: 512–787–4091 or 512–787–6881.	1
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621. Phone: 602–287–2902.	1
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021. Phone: 213–622–8756.	3
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814. Phone: 808–941–3071.	1
All Puerto Rico points.	John L. Coulon, P.O. Box 9112, Santurce, P.R. 00908. Phone: 809–783–2230 or 809–783–4116.	2
New York City, N.Y.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474. Phone: 212–991–7669 or 212–991–7668.	1
New Orleans, La.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113. Phone: 504–589–6741 or 504–589–6742.	1
Miami, Fla.	Bennie C. Tiner, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136. Phone: 305–324–6116 or 305–324–6117.	1
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880. Phone: 813–294–2089.	1
All other	M.A. Castille, Fruit and Vegetable Division, AMS, Washington, D.C. 20250. Phone: 202–447–5870.	

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of *Allium cepa* marketed dry, except dehydrated canned and frozen onions, onion sets, green onions, and pickling onions in brine. The term "U.S. No. 2," shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, and variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 28, 1976.

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

[FR Doc.76–19169 Filed 7–1–76;8:45 am]

Food and Nutrition Service

[7 CFR Part 271]

[Amdt. No. 85]

FOOD STAMP PROGRAM

Test Projects; Correction

In the FEDERAL REGISTER of June 11, 1976 (41 FR 23720), the Department of Agriculture announced its intention to amend Part 271 of its regulations governing operation of the Food Stamp Program, 7 CFR 271. The amendment is for the purpose of authorizing the Secretary to suspend or create regulations at his discretion for the purpose of conducting tests of administrative procedures which may have National applicability.

The closing date for receipt of comments was erroneously shown as June 26. Comments will be accepted until July 26, 1976 and should be submitted to Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, United

States Department of Agriculture, Washington, D.C. 20250.

Dated: June 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-19391 Filed 7-1-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20735]

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of changes in the rules relating to Noncommercial Educational FM Broadcast Stations, Docket No. 20735, RM-1974, RM-2655.

1. On March 17, 1976, the Commission issued a notice of proposed rule making in this proceeding (41 FR 16973). The comment and reply dates originally specified were July 1 and August 15, 1976, respectively. Now before the Commission are two requests to extend these dates. The National Federation of Community Broadcasters seeks a one month extension of the filing dates. In a joint request of Taft Broadcasting Company and McGraw-Hill Broadcasting Company we have been asked to extend the dates to October 1, 1976, for comments and November 16, 1976, for replies. The Corporation for Public Broadcasting and the Association of Public Radio Stations have jointly opposed the Taft/McGraw-Hill extension request.

2. One of the main issues to be explored in this proceeding is the potential of educational FM assignments to cause interference to the reception of television Channel 6. According to the joint Taft-McGraw-Hill filing, more time is needed if such information is to be made available for use in this proceeding. The opposing parties disagree about the time required to develop this material, and they urge us to act in this area as promptly as possible.

3. As the Commission recognized when it issued the Notice, the proceeding regarding educational FM assignments and related matters is a particularly complicated one. We encouraged interested parties to study Channel 6 interference and the other matters at length so they could offer information to aid us in resolving these issues. Although we share the desire to proceed expeditiously, it would serve no purpose to proceed without having obtained the best available information. On this basis we believe an extension of the sort sought here by Taft and McGraw-Hill is warranted. In effect this action also grants the relief sought by the National Federation of Community Broadcasters.

4. *Accordingly, it is ordered,* That the time for filing comments is extended through October 1, 1976, and for filing reply comments is extended through November 16, 1976. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: June 22, 1976.

Released: June 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19256 Filed 7-1-76;8:45 am]

[47 CFR Part 73]

TELEVISION BROADCAST STATIONS

Employment of Circular or Elliptical Polarization; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Subpart E, Part 73 of the Commission's rules and regulations to permit Television Broadcast Stations to Employ Circular or Elliptical Polarization, Docket No. 20802.

1. On May 11, 1976, the Commission adopted a notice of proposed rule making in the above-entitled proceeding (41 FR 21361). The dates for filing comments and reply comments are presently June 24 and July 6, 1976, respectively.

2. On June 15, 1976, counsel for the National Association of Broadcasters (NAB), requested that the time for filing comments and reply comments be extended to and including August 24 and September 6, 1976, respectively. Counsel states that there are far reaching implications associated with the use of circular or elliptical polarization for television broadcast stations and believes that the public interest would be served if additional time were afforded parties who desire to participate in the proceeding.

3. We are of the view that the public interest would be served by extending the time in htis proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including August 24 and September 6, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 302(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 22, 1976.

Released: June 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19257 Filed 7-1-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20810; RM-2580]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

By the Chief, Broadcast Bureau:

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations (Pinckneyville, Illinois).

1. On May 11, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding (41 Fed. Reg. 21364). The dates for filing comments and reply comments are presently July 2 and July 22, 1976, respectively.

2. On June 18, 1976, counsel for Coalbelt Broadcasting (Coalbelt) requested that the time for filing comments and reply comments be extended to and including July 16 and August 6, 1976, respectively. Counsel states that Coalbelt's consulting engineer finds it impossible to prepare engineering documents in time to meet the present comment date because of a certain Commission filing deadline of June 30, 1976. Counsel adds that the counsel for Du Quoin Broadcasting Company, another party in this proceeding, consents to the requested additional time.

3. We are of the view that the requested extension is warranted. Accordingly, *it is ordered,* That the time for filing comments and reply comments Are Extended to and including July 16 and August 6, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: June 23, 1976.

Released: June 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-19253 Filed 7-1-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20863; RM-2624]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast stations (Rome, New York).

1. The Commission has under consideration a petition for rulemaking filed August 29, 1975, by Promedia Communications, Incorporated ("Promedia"), licensee of daytime-only AM station WRNY at Rome, New York. The petition asks that FM Channel 273 be assigned to Rome as that community's second FM assignment.

2. Promedia states that Rome (population 50,148)[1] is the second largest community in Oneida County, New York (pop. 273,037). Promedia states that presently the only full time broadcast services licensed to Rome are commonly owned and simulcast 100% of the time. It says that programming needs in the community consist of live broadcast coverage for events such as local sports, municipal board meetings, and special hearings, held after its AM station is off the air. While Promedia notes that the population of Rome itself has declined by 2.9% during the last census decade, the suburban area surrounding the city has more than compensated by increasing 7.2%. Promedia submits economic

data and states that a large number of manufacturing firms have been active in the area. Petitioner states that Rome also offers several educational and cultural facilities. Petitioner has attached a list of opinions of community leaders to support its assertion of need in Rome for an additional full time broadcast facility.

3. The transmitter site for Channel 273 must be located eleven miles south of Rome (which would also locate it nine miles west of Utica) to meet separation requirements with co-channel CBOF at Ottawa-Hull, Ontario. Canadian approval has been obtained for this proposed transmitter site.

4. The Commission's analysis of Promedia's engineering study indicates that, with one exception, the areas that would be precluded from the assignment of this channel or adjacent channels are small and sparsely populated with no communities of more than 1,000 population. Assignment of the channel to Rome is mutually exclusive with its assignment to nearby Utica, New York (pop. 91,611).[2] Petitioner should inform us in its comments whether any other channels are available for future assignment to Utica. We would also be interested in whether other Class B channels are available at Rome.

5. We note that Promedia's engineering statement indicates this proposal would not provide a first or second FM service or a new nighttime service to any area. It would, however, result in the intermixture at Rome of Class A and B FM channels. Promedia states that no Class A channel is available for assignment to Rome and that Channel 273 is limited to assignment at either Rome or Utica, New York. Otherwise it would remain unused. The Commission has allowed intermixture of FM channel classes in some cases, but we are hesitant to add a Class B channel in a Class A market absent a convincing public interest showing.[3]

6. Since the required transmitter site location is in the proximity of Utica, New York, the channel could also be assigned to that community. While no one has expressed an interest in use of the channel at Utica, assignment of the channel to Rome would preclude its future use at Utica. There are already four Class B assignments at Utica, and a fifth channel would be inconsistent with the Commission's population criteria. However, we are inviting comments by any parties interested in seeking this assignment for Utica. In order to justify a departure from our population criteria, a proponent should make a showing of special circumstances indicating how the public interest would be served by such an assignment.

7. Therefore, comments are invited on the following proposed amendments to the FM Table of Assignments, § 73.202 (b) of the Commission's Rules:

§ 73.202 [Amended]

City	Present	Proposed[1]
Rome, N.Y....	240A	240A, 273
or		
Utica, N.Y....	245, 254, 282, 297	245, 254, 282, 297, 273

[1] Site must be located 11 mi south of Rome, N.Y.

8. The Commision's authority to institute rule making proceedings, showings required, cut off procedures used, and filing requirements are contained in the attached appendix and are incorporated herein.

9. Interested parties may file comments on or before August 9, 1976, and reply comments on or before August 30, 1976.

Adopted: June 23, 1976.

Released: July 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal (s) in this Notice, they will be considered as comme!nts in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-19254 Filed 7-1-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20841; RM-2644]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations (Theodore, Alabama).

1. *Petitioner, Proposal and Comments:* (a) Petition for rule making filed January 5, 1976, by Theodore Broadcasters, proposing the assignment of Channel 252A to Theodore, Alabama.

(b) The channel may be assigned without affecting any existing FM assignments. No oppositions to the petition were received.

(c) Petitioner states that he will, upon assignment of the frequency to Theodore, proceed at once to apply for a construction permit for the station.

2. *Demographic Data:* (a) *Location:* Theodore is located in Mobile County approximately 10 miles southwest of Mobile, Alabama and 60 miles west of Pensacola, Florida.

(b) Theodore is an unincorporated community. Petitioner reports the population of Theodore to be 2,300 and that of Mobile County to be 317,308.

(c) *Present Aural Services:* None.

(d) *Economic Considerations:* Petitioner states that the population of Theodore has increased 73% in five years and it is expected that it will be in excess of

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[1] Populations are from the 1970 U.S. Census.

[2] Promedia argues that Channel 273 could be assigned to Utica for use at Rome under the "15 mile rule," however, since Rome is a listed community with an FM assignment already, Section 73.202(b) would prohibit use of the channel at Rome if it were assigned to Utica.

[3] Compare Hattiesburg, Miss., 37 F.C.C. 2d 54, 57–59 (1972) (re Parkersburg, W. Va.). The four Class B stations at Utica presently provide a city grade signal to Rome, and so the Rome-Utica area is already intermixed.

10,000 by 1985. Mobile County is reported to have 92,640 households, income per household of $9,598, and total retail sales of $550,000,000.

3. *Additional Considerations:* Petitioner states that Theodore is beginning to experience rapid growth and development and the community needs a full-time facility to assist in the orderly development of the area. It notes that there is a need to raise the educational level of the area and the proposed station can assist in this project by broadcasting educational programs during the nighttime hours when the residents most in need of the service will be at home and available to receive the programs. It asserts that should it ultimately become the licensee, the station would take an active part in industrial development of the community and would make time available to assist farmers to be more productive as well as making time available for public service organizations. Petitioner states that the proposed assignment will provide Theodore with its first full-time local outlet for news, entertainment, and public service programs.

4. *Preclusion Study:* Petitioner's engineering study shows preclusion to be limited to the co-channel only and would affect a very small area in the southwest corner of Alabama. Although Mobile is located in the precluded area, a Class A channel there would not be able to comply with the city-grade coverage requirements.[1]

5. In view of the above, the Commission, the Commission proposes to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules) with regard to the community listed, as follows:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Theodore, Ala.		252A

6. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before August 6, 1976, and reply comments on or before August 26, 1976.

Adopted: June 22, 1976.

Released: June 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-19255 Filed 7-1-76;8:45 am]

[1] Mobile has 5 Class C channels.

FEDERAL TRADE COMMISSION

[16 CFR Part 447]

RETAIL PRICES FOR PRESCRIPTION DRUGS

Regulations Concerning Disclosure

On June 4, 1975, the Federal Trade Commission published a proposed trade regulation rule which, if finally promulgated, would preempt state laws which prohibit or unfairly restrict the advertising of prescription drug price information. "Disclosure Regulations Concerning Retail Prices for Prescription Drugs," 40 Fed. Reg. 24031. A recent decision of the United States Supreme Court, *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 44 U.S.L.W. 4686 (U.S. May 24, 1976), may accomplish that result by First Amendment protection.

Because of this prospect, the Commission has decided to indefinitely postpone the submission by staff of final reports to the public record and to the Commission as required by FTC Rules of Procedure §§ 1.13 (f) and (g).

INVITATION TO COMMENT

The Commission invites any interested person to comment on why the decision in *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council* and *not* accomplish by First Amendment protection what the Commission's proposed rule might have accomplished by preemption. Comments should be sent prior to November 30, 1976, to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

By direction of the Commission dated June 29, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-19369 Filed 7-1-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Effective Date of Awards

The Administrator of Veterans' Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations, relating to effective dates of awards of benefits.

Section 3.854, Title 38, Code of Federal Regulations, provides that payments to a fiduciary recognized or appointed for a child beneficiary because of the child's minority will not be authorized for any period on and after the date the child attains majority. It further provides that payments on and after that date will be made to the beneficiary direct unless the beneficiary is incompetent, in which case, payments will be made to a fiduciary appointed for a mentally incompetent adult. Paragraph (b) of § 3.403, Title 38, Code of Federal Regulations, relating to effective dates of awards in such cases, provides that the effective date of the direct payment award will be the date the child attains majority. This paragraph makes no pro-

vision for including benefits which accrued prior to attainment of majority but were not previously paid to the fiduciary. It is proposed to amend § 3.403 (b) to provide that the direct payment award to the child will be effective the date of attainment of majority or the date of last payment (date of last payment being the date of last payment to the fiduciary), whichever is earlier. Under this amendment the direct payment award would include benefits for periods prior to the date of majority which, for any reason, were not paid to the fiduciary. The purpose of the amendment is to insure that, to the extent feasible, benefit payments made after the child attains majority will be made to the child and not to the fiduciary whose fiduciary relationship has terminated because of the child's majority. This amendment does not effect any change in basic entitlement or benefits. However, the change will be of benefit to beneficiaries as well as the Veterans Administration in that a more expeditious and orderly transition from fiduciary awards to direct pay awards will be achieved.

An editorial change to § 3.401(d)(2) substitutes "Director" for "Manager" as the title of the VA official involved.

Paragraph (g) of § 3.401, Title 38, Code of Federal Regulations, prescribes the effective date of statutory awards of special monthly compensation for arrested tuberculosis. Currently the paragraph cites the differing rates formerly payable in wartime and peacetime cases. Pub. L. 92–328 (86 Stat. 393) equalized wartime and peacetime rates of disability compensation at the wartime rates. The revision also deletes language which vision deletes the reference to the $54 rate formerly payable in peacetime cases. The revision also deletes language which duplicated a provision in the related § 3.350(g), Title 38, Code of Federal Regulations, to which a cross-reference is inserted. A proposed revision to § 3.401 (h), relating to effective dates of awards of temporary increases in disability compensation under "General Policy in Rating," 1945 Schedule for Rating Disabilities, (Part 4 of this chapter) incorporates an effective date provision applicable to increases under § 4.30 of this chapter. Currently the effective date is covered in § 4.30 but not in the Regulation which only refers to benefits under § 4.29 of this chapter.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before August 2, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that these amendments will be effective the date of final approval.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

(72 Stat. 1114; 38 U.S.C. 210)

Approved: June 28, 1976.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

1. In § 3.401, paragraphs (d)(2), (g) and (h) are revised to read as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

* * * * *

(d) *Institutional awards (§ 3.852).*
* * *

(2) *Director of a Veterans Administration hospital or domiciliary.* From day following date of last payment to veteran where veteran previously received payments. On initial or resumed payments from date of entitlement to benefits subject to any amounts payable to or withheld for apportionments for dependents.

* * * * *

(g) *Tuberculosis, special compensation for arrested.* As of the date the graduated evaluation of the disability or compensation for that degree of disablement combined with other service-connected disabilities would provide compensation payable at a rate less than $67. See § 3.350(g).

(h) *Temporary increase—"General Policy in Rating," 1945 Schedule for Rating Disabilities—(1) Section 4.29 of this chapter.* Date of entrance into hospital, after 21 days of continuous hospitalization for treatment.

(2) *Section 4.30 of this chapter.* Date of entrance into hospital, after discharge from hospitalization (regular or release to non-bed care).

2. In § 3.403, paragraph (b) is revised to read as follows:

§ 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow (widower) on behalf of such child, will be effective as follows:

* * * * *

(b) *Majority (§ 3.854).* Direct payment to child if competent, from date of majority or, date of last payment, whichever is the earlier date.

* * * * *

[FR Doc.76–19263 Filed 7–1–76;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-6/69]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will hold an open meeting at 10:00 a.m. on Monday, July 26, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to discuss the use of tonnage and/or other parameters for determining the applicability of international and national maritime standards.

Requests for further information on the meeting should be directed to Mr. Phil Stitt, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2192.

The Chairman will entertain comments from the public as time permits.

SAMUEL VICK SMITH,
Acting Director,
Office of Maritime Affairs.

JUNE 24, 1976.

[FR Doc.76-17165 Filed 7-1-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT DATA

Procedure for Improvement

The Office of Revenue Sharing is conducting a Supplemental Data Improvement Program during the period from June 29, 1976 to August 2, 1976 on data to be used in computing final allocations for units of State and local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C.A. Chapter 24) for the seventh entitlement period (July 1, 1976 through December 31, 1976). Only those State governments and units of local government whose data elements for the seventh entitlement period have been revised since February 1976 are participants in this Supplemental Data Improvement Program. These participating governments have been provided those data elements for review which have been revised since February 1976. These data, which were mailed on June 29, 1976, were compiled by the Bureau of the Census, the Internal Revenue Service and the Bureau of Indian Affairs. Definitions of each data element are provided in this notice.

Each participating recipient unit of local government will receive either a Form 3233 or a Form 3240. Only certain participating local governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (Pub. L. 93-288, 42 U.S.C. Chapter 58) will receive Form 3240. These local governments, in order to be eligible for the data stabilization benefit of that Act, which allows them to use their pre-disaster data figures for adjusted taxes and/or intergovernmental transfers rather than their post-disaster figures, are required to certify that both or either of their 1975 adjusted taxes and intergovernmental transfers were adversely affected by the disaster. Such certification must be received in the Office of Revenue Sharing by August 2, 1976.

All other participating recipient local governments with data revisions for the seventh entitlement period since February, 1976, received Form 3233. State governments having data revisions since February, 1976 were notified by letter.

If any recipient State or local government believes that there are errors in these data, relative to these definitions and effective date, it should so inform the Office of Revenue Sharing in writing with appropriate documentation on or before August 2, 1976. Local governments may do this by returning Form 3233, with evidence and documentation to fully justify the proposed corrections of data. Governments which receive Form 3240 also have the opportunity to question their data elements by returning Form 3240 with evidence and documentation to fully justify the proposed corrections to these data. Form 3233 or 3240 and supporting justifications must be received by the Office of Revenue Sharing on or before August 2, 1976 in order that corrections to data elements may be used in determining final seventh entitlement period allocations.

Governments which receive Form 3233 and which do not wish to question their data are requested not to return the form. Governments which receive Form 3240 and which do not wish to question their data or provide a disaster certification are requested not to return the form.

The data of record in the Office of Revenue Sharing for those participating governments which do not respond by August 2, 1976, will be used to calculate their final allocation for the seventh entitlement period. In the case of those participating local governments sent Form 3240, the post-disaster data of record in the Office of Revenue Sharing will be considered valid if the Office of Revenue Sharing has not received a disaster certification by August 2, 1976.

Upon receipt of a written response from a participating recipient State or local government, the Office of Revenue Sharing, with the cooperation of the Agency which provided the original data, will substantiate or correct all data questioned and advise the recipient government of its findings. Those findings will constitute final administrative action for purposes of giving recipient governments standing to obtain judicial review of the questioned data.

In order to assure equitable treatment of each recipient, the books will be kept open until all evidence and documentation received in the Office of Revenue Sharing on or before August 2, 1976 have been reviewed and data determined to be erroneous have been corrected.

Dated: June 29, 1976.

JEANNA D. TULLY,
Director, Office of Revenue Sharing.

LOCAL GOVERNMENT DATA DEFINITION

I. POPULATION

POPULATION OF COUNTIES, CITIES, TOWNS AND TOWNSHIPS

The population of a unit of government for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of the Census. The July 1, 1973 population estimates were published by the Bureau of the Census in Current Population Reports, Series P-25, in State reports numbered in alphabetical sequence from number 546 for Alabama through number 595 for Wyoming. The population estimates being used for the revenue sharing program reflect corrections which have been made since the publication of the P-25 Series reports. (The published data reflect the final results of the 1973 Federal-State Cooperative Program for 11 States only and provisional results for the remaining 39 States. The estimates being used for the revenue sharing program, however, incorporate the final results of the 1973 Federal-State Cooperative Program for all 50 States.)

The July 1, 1973 estimates of population were derived by the Bureau of the Census using a component procedure whereby components of population change are estimated separately and then added to the numerated 1970 census populations of the units of local government. The 1970 population base rejects all population corrections made to the date after the initial Bureau of the Census publications as well as changes due to new incorporations, disincorporations and annexations.

The components of population change are:

1. *Natural increase, i.e., the excess of births over deaths:* Annual births and deaths were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. County statistics were available for all States. When vital statistics were not available for all areas within a county, the births and deaths for these areas were distributed proportionately on the basis of the 1970 census population.

2. *Net Migration:* This component of population change was estimated for each unit of government by developing a net migration

rate for the period between 1970 and 1973. The net migration rate was developed by matching IRS files of 1972 tax returns and 1969 tax returns. Thus, it was possible to determine for each unit of local government the number of taxpayers who did not move, or who moved in or out of the jurisdiction between 1970 and 1973. The number of those who moved in minus the number of those who moved out yields the net migration. The net migration rate of taxpayers was applied to the total population in an area.

In addition to the estimates of natural increase and net migration, adjustments were incorporated into the estimates to account for immigration from abroad, institutional inmates, members of the armed forces and college students. For all areas where special censuses were taken by the Bureau of the Census close to the July 1, 1973 estimate date, the special census counts were used in lieu of the estimates. The special census counts were adjusted to the July 1, 1973 estimate date. In several States, the subcounty estimates were also merged with estimates developed by State agencies participating in the Federal-State Cooperative Program for Local Population Estimates. This occurred in seven States—California, Connecticut, Florida, New Jersey, Oregon, Washington, and Wisconsin.

The July 1, 1973 population estimates being used for revenue sharing for counties represent the average of July 1, 1973 administrative record-based estimates derived by the procedure described above and July 1, 1973 estimates derived from the Federal-State Cooperative Program. The county populations were further adjusted to be consistent with State estimates published by the Bureau of the Census in Current Population Reports, Series P–25. The population estimates for the governments in each county area where adjusted to be consistent with the county population.

The July 1, 1973 population estimates published by the Bureau of the Census in Series P–25 are related to boundaries as of December 31, 1973. Adjustments to the 1970 population base were made for new incorporations, disincorporations, and annexations. Adjustments were made for annexations if (1) the 1970 population of the annexed area was 1,000 or more, or (2) the 1970 population of the annexed area was at least 250 people and at least 5% of the 1970 population of the gaining government. The estimates being used for revenue sharing purposes have been updated through 1974 to reflect new incorporations, disincorporations and qualifying annexations, i.e., annexations made by places with a population of at least 5,000 and for which the annexed areas include population equal to 5% or more of the annexing government's population.

POPULATION OF INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

The population of an Indian tribe or Alaskan native village for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of Indian Affairs. For Indian tribes, the resident population is the number of Indians living within the boundaries of the tribal reservation plus the number of Indians living on trust land (including public domain allotments) adjacent to the reservation and pertaining to the tribe. The adjacent trust land may be tribally owned or individually owned. Resident non-Indian members of families with an Indian head or spouse are also included in the population estimates.

For Alaska native villages, the resident population is the number of Indians, Aleuts and Eskimos living within the boundaries of the village. Resident non-Alaskan native members of families with an Alaskan native head or spouse are also included in the population estimate.

The methodology used by the Bureau of Indian Affairs to update the 1970 population of an Indian tribe or Alaskan native village depended on the type of accurate data that was available for that tribe or village. The types of data available varied from place to place. Two examples of the types of data used to make the July 1, 1973 population estimates are lists of residents and school enrollment data. In many cases the Bureau of Indian Affairs worked directly with the Indian tribe or Alaskan native village to obtain the best available data.

II. PER CAPITA INCOME

The 1972 per capita income (PCI) is the estimated mean or average amount of total money income received during calendar year 1972 by all persons residing in a given political jurisdiction in April 1973. The 1972 PCI estimates are based on data from the 1970 census, or later special censuses, and reflect corrections to the census data as well as changes in income, population, and geographic boundaries which have occurred since 1970. The 1972 PCI estimates were published by the Bureau of the Census in Current Population Reports, Series P–25, in State reports numbered in alphabetical sequence from number 546 for Alabama through number 595 for Wyoming. The estimates being used for revenue sharing will not agree exactly with all of the figures in the P–25 reports, since corrections have been made to the data subsequent to the publication of the reports.

The 1970 census PCI data were updated to 1972 based on income data from the 1969 and 1972 Federal income tax returns and State and county money income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1969 to 1972.

Total money income is the sum of:

Wage or salary income;

Net nonfarm self-employment income;

Net farm self-employment income;

Social Security or railroad retirement income;

Public assistance income;

All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimoney, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

COUNTY ESTIMATES

At the county level, 1972 PCI estimates were developed by carrying forward the 1970 census per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1972 per capita amounts for each income type were then multiplied by the July 1, 1973 population estimates, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income type were added to get an estimated 1972 total money income which was then divided by the estimated population to derive the 1972 PCI estimate.

SUBCOUNTY GOVERNMENTAL UNIT ESTIMATES

For all townships with a 1970 population of 1,000 or more and for all municipalities over 1,000 not in townships, the updates were also developed using per capita amounts. Updated census earnings plus "other income" per capita were developed using the percent changes in IRS Adjusted Gross Income per exemption. The estimates for Social Security and public assistance were made by assuming that the 1970 census per capita amounts for these income types grew at the same rate as that for the county.

The PCI estimates for governmental units with a 1970 population in the 500–999 range were computed by apply the average percent change in PCI for the county, excluding large places (population of 10,000 or more), to their 1970 census PCI. PCI estimates for governmental units with a 1970 population of less than 500 were assumed to be equal to the average PCI of the county excluding any large places. The subcounty estimates were adjusted to the county estimates to ensure conformity.

The PCI estimates for governmental units in townships with a 1970 population of 500 or more were made by applying rates of change for the entire township to the 1970 census estimates for these places. For governmental units with a 1970 population of less than 500, the PCI was assumed to be equal to that of the township. These subtownship estimates were then adjusted to the township estimates to ensure conformity.

III. ADJUSTED TAXES

The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1975, are the total taxes of the unit of government in Fiscal Year 1975 (that government's 12-month accounting period that ended between July 1, 1974 and June 30, 1975) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1975 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1975. Total general purpose taxes include:

1. *Property taxes*—county, municipal or township taxes levied on the value of real or personal property.

2. *Sales taxes*—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:

a. General sales or gross receipts taxes.

b. Selective sales or gross receipts taxes.

Examples of selective sales taxes are:

Gasoline taxes;

Liquor taxes;

Cigarette and tobacco taxes;

Public utilities excise taxes;

Amusement taxes;

Hotel and motel room occupancy and meals taxes.

3. *Licenses, permits and other taxes*—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:

Alcoholic beverage licenses;

Busines privilege licenses;

Motor vehicle and operators licenses;

Hunting and fishing licenses;

Marriage licenses;

Inspection fees charged in connection with the granting or renewal of a license.

Examples of permits are:

Building permits;

Permits for a business or nonbusiness privilege.

Examples of other taxes are:
Income, payroll or earnings taxes;
Mortgage transfer and recordation taxes;
Severance taxes;
Fees retained by a government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by the local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Certain sales taxes imposed by counties which meet the requirements of Section 109 (e) (2) (B) of the Revenue Sharing Act may be considered to be taxes of the units of local government within the county rather than the county government. The "Memphis Rule," as this section is called provides for situations whereby a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the Governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the Governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the the State or a local government acting as a collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because eductaion is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) for education purposes is taken to be the amount of tax revenues allocable to expenses for education.

In Virginia, most of the counties and independent cities do not make a separate school levy, but rather finance their school systems from their general revenue funds. The accounting procedures employed by these governments, however, are not uniform. Some of these governments commingle education and other revenues in a general-type fund and other governments do not. To provide for uniform computation of adjusted taxes for these Virginia governments, dedicated education funds are removed from the general-type fund prior to applying the ratio method for calculation of the adjusted taxes.

IV. INTERGOVERNMENTAL TRANSFERS OF REVENUE

Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1975 (the government's 12-month accounting period that ended between July 1, 1974 and June 30, 1975) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1975. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property or commodities, utility services to other governments, or Federal general revenue sharing entitlement funds.

STATE GOVERNMENT AND DISTRICT OF COLUMBIA DATA DEFINITIONS

I. POPULATION

The population of a State for revenue sharing purposes for Entitlement Period 7 is the total resident population as of July 1, 1975 as determined by the Bureau of the Census. The July 1, 1975 State populations are provisional estimates which were published by the Bureau of the Census in a report entitled Estimates of the Population of States, July 1, 1974 and 1975 (Current Population Reports, Series P–25, No. 615) dated December 1975. Incorporated in these population totals for the year ending July 1, 1975, are estimates of population change, including migration, which are based on vital statistics, key population indicators, and extrapolations of past trends. For a complete description of the methodology used, please consult the full report in the Bureau of the Census' Series P–25.

II. URBANIZED POPULATION

The urbanized population of a State for revenue sharing purposes for Entitlement Period 7 is the 1970 urbanized population of the State as determined by the Bureau of the Census. A State's urbanized 1970 population is the amount of that State's 1970 population which was classified as the population of an urbanized area according to the Bureau of the Census' 1973 Urbanized Area Criteria. (The Bureau of the Census revised its definitional criteria in 1973 for urbanized areas to make them more consistent with the criteria for Standard Metropolitan Statistical Areas (SMSAs). An urbanized area was defined for each SMSA using 1970 census population.)

1. An urbanized area must include a central city or cities that qualify under one of the criteria listed below. All population criteria refer to 1970 census population counts (except as specified in item 1a).

a. A city of 50,000 inhabitants or more according to the 1970 census, a special census taken between 1960 and 1970 or the 1960 census provided that the city is located in an SMSA and is not included in an existing urbanized area.

b. A city having a population of at least 25,000 which, with the addition of the population of contiguous places, (incorporated or unincorporated) each of which has a population density of at least 1,000 persons per square mile, and which together constitute for general economic and social purposes a single community with a combined population of at least 50,000, provided that the city is located within an SMSA and is not included in an existing urbanized area.

2. In addition to a central city or cities, an urbanized area includes contiguous territory meeting the following criteria:

a. Incorporated places of 2,500 inhabitants or more but excluding the rural portions of extended cities.

b. Incorporated places with fewer than 2,500 inhabitants, provided that each has a closely settled area of 100 housing units or more; and all unincorporated places recognized in the 1970 census.

c. Contiguous small parcels of unincorporated land (delineated as either enumeration districts or block parcels prior to the 1970 census) determined to have a 1970 census population density of 1,000 inhabitants or more per square mile. (In this instance the areas of large nonresidential tracts devoted to such urban land uses as railroad yards, airports, factories, parks, golf courses, and cemeteries are excluded in computing the population density.)

d. Other similar small areas in unincorporated territory without regard to population density provided that they serve—

To eliminate enclaves, or

To close indentations of one mile or less in width across the open end of the urbanized areas in order to eliminate narrow fingers of "rural" area, or

To link outlying areas of qualifying density provided that these are not more than 1½ miles from the main body of the urbanized area.

III. INCOME

The *per capita income* (PCI) of a State for revenue sharing purposes for Entitlement Period 7 is the 1972 per capita income of the State as determined by the Bureau of the Census. The per capita income is the estimated mean or average amount of total money income received during calendar year 1972 by all persons residing in the State in April 1973. The 1972 PCI estimates are based on data from the 1970 census, or later special censuses, and reflect corrections to the census data which have been made since 1970.

Total money income is the sum of:
Wage or salary income
Net nonfarm self-employment income
Net farm self-employment income
Social Security or railroad retirement income
Public assistance income
All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawals of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

The 1970 census PCI data were updated to 1972, based on income data from the 1969 and 1972 Federal income tax returns and State income estimates prepared by the Bureau of Economic Analysis to measure the change from 1969 to 1972.

At the State level, 1972 per capita income estimates were developed by carrying forward the 1970 census aggregates for each type of income (as itemized above) and dividing the sum of the 1972 aggregates for each State by the estimated April 1973 population. The percent change in wage and salary income as reflected by the IRS data, was used to update the 1970 census wage and salary amount, while the remaining income types were carried forward using the percent change implied in estimates developed by the Bureau of Economic Analysis.

The 1972 PCI estimates were published by the Bureau of the Census in *Current Population Reports*, Series P–25 in State reports numbered in alphabetical sequence from number 546 for Alabama through number 595 for Wyoming. The estimates being used for revenue sharing purposes may not agree exactly with the figures in the P–25 reports since corrections have been made to the estimates subsequent to the publication of the reports.

IV. STATE INDIVIDUAL INCOME TAX

The State individual income tax data of a State for Entitlement Period 7 of revenue sharing is the total calendar year 1975 collections of the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954. These are collections of taxes on individuals measured by net income and taxes on special types of income (e.g., interest, dividends, income from intangibles, etc.).

Actual calendar year 1975 State individual income tax collections data were obtained from the Bureau of the Census' publication entitled Quarterly Summary of State and Local Tax Revenue, October–December 1975. The calendar year 1975 State individual income tax collections data used for revenue sharing may not agree exactly with the figures in the Census Bureau's Quarterly Summary of State and Local Tax Revenue, if corrections to these data were made subsequent to its publication.

V. FEDERAL INDIVIDUAL INCOME TAX LIABILITIES

The *Federal individual income tax liability* of a State for revenue sharing purposes is the total annual Federal individual income taxes after credits attributed to the residents of the State by the Internal Revenue Service. Income tax after credits is determined by subtracting statutory credits from the total of income tax before credits and the tax surcharge. It does not include self-employment tax or tax from recomputing prior year investment credit, nor does it take into account refundable credits.

Income tax before credits is the tax liability computed on taxable income based on:

1. The regular combined normal tax and surcharge including tax from the optional tax tables,
2. Alternative tax, or
3. Tax computed using the income averaging provisions.

Examples of credits which are applied against income taxes are:

1. Retirement income credit,
2. Investment credit,
3. Foreign tax credit, and
4. other tax credits.

The State and Local Fiscal Assistance Act of 1972 (Revenue Sharing Act) specifies that, if available, data on Federal individual income tax liabilities should be "for taxable years ending . . . during the last calendar year ending before the beginning of such entitlement period."

The most recent Federal individual income tax liabilities available for revenue sharing use in Entitlement Period 7 are the 1974 IRS estimates of Federal individual income tax liabilities of States. These estimated tax amounts for calendar year 1974 are the preliminary 1974 estimates from the Internal Revenue Service's *Statistics of Income*.

VI. STATE AND LOCAL TAXES

The *State and local taxes* data of a State are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes.

State and local taxes data used for revenue sharing purposes in Entitlement Period 7 are the Fiscal Year 1973–74 State and local taxes as reported by the Bureau of the Census in Table 17 of *Governmental Finances 1973–74* (GF74, No. 5), Fiscal Year 1973–74 is a government's 12-month accounting period that *ended* between July 1, 1973 and June 30, 1974 except for the State governments of Alabama and Texas (as well as school districts in those States). These latter governments have fiscal years which end at the end of September and August, respectively, and are treated as though they were part of the group with fiscal years ending June 30.

Tax revenue comprises amounts collected from all taxes which are imposed by a government and collected by that government or which are collected for it by another government acting as its agent. This includes interest and penalties but does not include amounts paid under protest and amounts refunded. For purposes of this definition, local governments and political subdivisions include counties (parishes in Louisiana and boroughs in Alaska), municipalities, townships, school districts, and special districts. A unit of government also includes, in addition to the central authority of the unit, any semiautonomous boards, commissions, or other agencies dependent on it that do not in themsleves meet requirements as to fiscal and administrative independence even though as to accounting records and other specific administrative aspects such agencies may operate outside the central accounting and administrative pattern of the unit.

The State government information contained in State and local taxes is based on the annual Bureau of the Census survey of State finances. State finances statistics are compiled by representatives of the Bureau of the Census from official records and reports of the various States. The local government portion of the State and local taxes data are estimates based on information received from a sample of such governments. The sample consisted of approximately 16,000 local governments and included all counties having a 1970 population of 50,000 or more, all cities having a 1970 population of 25,000 or more, all other governments whose relative importance in their State based on expenditure or debt was above a specified size, and a random sample of remaining units.

The Fiscal Year 1973–74 State and local taxes data may not agree exactly with the figures in *Governmental Finances* 1973–74, because corrections may have been made to these data subsequent to its publication.

VII. GENERAL TAX EFFORT FACTOR

The *general tax effort factor* of a State used for Entitlement Period 7 is the amount of Fiscal Year 1973–74 State and local taxes of the State divided by the aggregate personal income of the State for 1973. State and local taxes for Fiscal Year 1973–74 are as defined above, and as reported by the Bureau of the Census in Table 17 of *Governmental Finances* 1973–74 (GF74, No. 5).

Aggregate personal income of a State in calendar year 1973 is the income of individuals as estimated by the Bureau of Economic Analysis of the Department of Commerce for national income accounts purposes and as reported in Table 1 of *Survey of Current Business* August 1975, Volume 55, Number 8.

Aggregate personal income represents the total current income received by persons residing in the State from all sources, including transfers from government and business but excluding transfers among "persons." Not only individuals (including owners of unincorporated enterprises) but also non-profit institutions, private trust funds, and private pension, health and welfare funds are classified as "persons." Personal income is measured on a before-tax basis, as the sum of wages and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments, minus personal contributions for social insurance, etc.

[FR Doc.76–19200 Filed 6–29–76;12:47 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

DRAFT ENVIRONMENTAL STATEMENT

Public Hearing and Availability

JUNE 30, 1976.

Informal public hearings will be held for the purpose of soliciting comments from the public on the proposed relocation of Air Force Communication Services from Richards-Gebaur AFB, Missouri to Scott AFB, Illinois. The Draft Environmental Statement (DES) for this proposed action was filed with the Council on Environmental Quality (CEQ) on June 25, 1976. Limited copies are available from:

375 AAW/OI, Scott AFB, IL 62225.
1840 ABW/OI, Richards-Gebaur AFB, MO 64030.
Special Assistant for Environmental Quality (SAF/ILE), The Pentagon, Room 4C885, Washington, D.C. 20330.

In addition, copies of the DES and Background Studies have been placed in the following locations for public reference:

317 CSG/BASE Library, Pope AFB, NC 28308.
1840 ABW/SSL (Base Library), Richards-Gebaur AFB, MO 64030.
Cumberland County Public Library, 301 Hay Street, Fayetteville, NC 28303.
Harnett County Public Library, 201 West Front Street, Box 11355, Lillington, NC 27546.
Mid-Continent Library, Grandview Br, 1502 Main Street, Grandview, MO 64030.
Belton Municipal Library, 422 Main Street, Belton, Mo 64012.
Kansas City Public Library, 311 E. 12th Street, Kansas City, MO 64106.
Mid-Continent Library, 901 West O'Brian Road, Lees Summit, MO 64063.
County Library (Cass County), Southland Shopping Center, Harrisonville, MO 64201.
375 AAW/SSL (Base Library), Scott AFB, IL 62225.
2854 (ABG/Base Library, Tinker AFB, OK 73145.
Belleville Public Library, 121 East Washington St., Belleville, IL 62221.

East St. Louis Public Library, 405 N. 9th Street, East St. Louis, IL 62201.
Mascoutah Public Library, 3 West Church Street, Mascoutah, IL 62258.
O'Fallon Public Library, 103 West State Street, O'Fallon, IL 62269.
Oklahoma County Library, 131 NW. 3rd, Oklahoma City, OK 73102.
Oklahoma County Library, 4509 SE. 15th, Del City, OK 73115.
Oklahoma County Library, 3210 Belaire, Midwest City, OK 73110.
Cedar Row Library (Johnson County), 5120 Cedar Street, Overland Park, KS 66201.

The informal public hearings will be held at the dates, times and places listed below:

Date: July 19, 1976 with option to continue on July 20 & 21 as required.
Time: 7:00 p.m.
Place: Grandview High School Auditorium, 2300 High Grove Road, Grandview, Missouri 64030.
Date: July 26, 1976.
Time: 7:00 p.m.
Place: Belleville Area College Theatre, 2500 Carlyle Road (Route 161), Belleville, Illinois.

The presiding officer at both hearings will be Colonel Russell A. Stanley, Chief Judge, 4th Circuit, USAF Trial Judiciary, Lowry Air Force Base, Colorado 80230, Telephone (303) 394–2404.

The imperative need to manage the resources of the Air Force with less while maintaining the combat capability of its forces has led to a renewed review of all base operating functions, activities and installations. The Congress has also recognized this need and has mandated reductions in headquarters and support manpower. In this regard, the United States Air Force proposes to relocate Headquarters Air Force Communications Service (AFCS) and all of its technical units at Richards-Gebaur AFB, including four C–140 aircraft to Scott AFB, Illinois (approximately 2,184 military and civilian manpower authorizations), except the 1872nd School Squadron (approximately 12 military manpower authorizations would be combined with the 1380th School Squadron at Norton AFB, California). The 442nd Tactical Airlift Wing (Air Force Reserve) with its 16 C–130 aircraft and all of its supporting units would remain at Richards-Gebaur AFB; however, the base operating support (BOS) requirements would be substantially reduced and would be performed by contract, providing contract services prove to be more economical than use of Air Force civilian employees. As a result of the proposed action, approximately 3,770 military and civilian manpower authorizations would be deleted from Richards-Gebaur AFB which would result in a savings of about 1,573 manpower positions. However, a reduction of approximately 60 full-time nonappropriated fund employees, and an addition of approximately 200 BOS contract employees, along with a separate and distinct planned reduction of about 290 military and civilian authorizations in AFCS for FY 76 result in an aggregated total employee reduction of approximately 3,920 which is used in all environmental impact analyses. HQ AFCS would retain all headquarters technical staff activities related to the communications function but Military Airlift Command (MAC) headquartered at Scott AFB would perform certain nontechnical headquarters staff support functions for AFCS. This integration would allow certain reductions in aggregate management headquarters manpower costs, while AFCS would continue to maintain its major command identity and functional effectiveness. MAC would also provide complete base operating support for HQ AFCS and its technical units which are moved from Richards-Gebaur AFB. Also proposed for approximately the same time frame (late 1976 thru 1977) is the relocation to Scott AFB of the 37th Tactical Airlift Squadron with 16 authorized C–130 aircraft from Langley AFB, Virginia, along with related aerial port functions and personnel (approximately 755 military and civilian authorizations). Current studies indicate annual recurring savings of $24,438,000 an estimated one-time cost avoidance of $6,422,000 and an estimated one-time cost of $34,532,000 associated with the proposed action.

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to ten minutes, with thirty minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is seven days after date of public hearing. Submit written communications to the presiding officer.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.76–19376 Filed 7–1–76;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on July 28–29, 1976 at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including current intelligence briefings, and discussions on the use of seapower in support of U.S. national objectives and strategy, weapons delivery systems, new technology applications and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code.

Dated: June 28, 1976.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy, Deputy Judge Advocate General.

[FR Doc.76–19142 Filed 7–1–76;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of an open meeting of the Secretary of the Navy's Advisory Board on Education and Training, to commence at 8:30 a.m. on Monday, July 26, 1976, and continue through mid-afternoon Tuesday, July 27, 1976. The Board will meet in Room 301, Rickover Hall, U.S. Naval Academy, Annapolis, Maryland.

The agenda will include a review of the status of the Navy Campus for Achievement; the status of the education and training management subspecialty for naval officers; the problems which can be anticipated and procedures involved in introducing instructional change in the Navy, with specific reference to the implementation of the Instructional Systems Development model; and further discussion of the extent and means by which education and training programs might be conducted in the operational environment rather than in the school house.

Dated: June 28, 1976.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy, Deputy Judge Advocate General.

[FR Doc.76–19143 Filed 7–1–76;8:45 am]

Office of the Secretary

PROFIT '76 SPECIAL ADVISORY COMMITTEE

Meeting

The Profit '76 Special Advisory Committee will meet in open session on July 19–20, 1976 at the Logistics Management Institute, 4701 Sangamore Road, Washington, D.C. 20016. The meetings will begin at 9:00 A.M.

The purpose of the meetings is to advise the Deputy Secretary of Defense on Profit '76, a study of the adequacy of profits in the defense industry. Any person desiring to attend should notify Mr. Ed Rader, OX5–6888 prior to July 9, 1976.

Dated: June 30, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76–19411 Filed 7–1–76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. PARKER-HANNIFIN CORPORATION, AND PUROLATOR, INC.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment, agreed to by the United States and Parker-Hannifin Corporation and Purolator, Inc., and a competitive impact statement (both set forth below) have been filed with the United States District Court for the Central District of California (Civil No. 71–1011–LTL). The complaint, as amended, filed on February 23, 1972, alleges that the acquisition of the Schulz Tool and Manufacturing Company by Parker-Hannifin from Purolator, Inc., violated Section 7 of the Clayton Act in that it would substantially eliminate competition between Parker and Schulz in the production and sale of fuel system components an in-flight refueling system components for commercial aircraft and for United States military aircraft. The proposed judgment orders Parker to divest itself of contracts for the manufacture and sale of such components, and to make available its engineering and manufacturing information for such components. Parker is also restrained for ten years from acquiring any manufacturer of any specified fuel system component. The proposed consent judgment dismisses Purolator, Inc. as a defendant.

Public comment is invited on or before September 3, 1976. Such comments and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Dwight Moore, Chief, Los Angeles Office, Antitrust Division, Department of Justice, Los Angeles, California 90012.

Dated: June 22, 1976.

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

RAYMOND P. HERNACKI, *Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, California* 90012. Telephone: (213) 688–2502, *Attorney for Plaintiff.*

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

United States of America, plaintiff, v. Parker-Hannifin Corporation and Purolator, Inc., Defendants. (Civil No. 71–1011–LTL, *Stipulation;* filed: June 22, 1976.)

It is hereby stipulated by and between the undersigned parties, plaintiff United States of America and defendants Parker-Hannifin Corporation and Purolator, Inc., by their respective attorneys, that:

1. The parties consent that a final judgment in the form attached hereto 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, P.L. 93–528, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and filing that notice with the Court.

2. In the event plaintiff withdraws its consent hereto, this Stipulation shall have no effect whatever in this or any other proceedings and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceeding.

Dated: June 22, 1976.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Raymond P. Hernacki, Robert J. Ludwig, Richard P. Sax, and Edwin D. Hausmann, Attorneys, U.S. Department of Justice.

For the defendants: Latham & Watkins, Philip F. Belleville, Attorneys for Defendant Parker-Hannifin Corporation; Willis, Butler, Scheifly, Leydorf & Grant, David R. Decker, Attorneys for Defendant Purolator, Inc.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

United States of America, plaintiff, v. Parker-Hannifin Corporation and Purolator, Inc., Defendants.

(Civil No. 71–1011–LTL; filed: June 22, 1976.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint on April 27, 1971 and its amended complaint herein on February 23, 1972, and all parties by their attorneys, having severally consented to the making and entry of this Final Judgment, without admission by any party in respect to any issue and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue;

Now therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I. This Court has jurisdiction of the subject matter hereof and of the parties hereto. The complaint states claims upon which relief may be granted against defendant Parker-Hannifin Corporation under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. § 18), as amended, commonly known as the Clayton Act.

II. A. This action is dismissed as to defendant Purolator, Inc., with prejudice.

B. The Second Preliminary Injuction entered herein on November 19, 1971 is dissolved.

III. As used in this Final Judgment:

1. "Parker" means the Parker-Hannifin Corporation.

2. "Schulz" means the Schulz Tool and Manufacturing Company.

3. "Person" means any individual, partnership, firm, corporation, association, or any other business or legal entity.

4. "Prime Contractor" means a business entity such as Lockheed Aircraft Corporation, McDonnell-Douglas Corporation, LTV Aerospace Corp., or Grumman Aerospace Corp., which designs, manufactures, and assembles high-speed jet aircraft.

5. "Armed Service" means a United States Armed Service, such as the U.S. Navy, U.S. Air Force, or the U.S. Army, which is a purchaser of a component or aircraft.

6. "Specified Fuel System Components" means those components which are installed in an aircraft and are defined as: valves associated with the direct operation of an aircraft's fuel system so as to control the flow of the fuel on its path to the engine(s) inlet connection(s); air valves that are utilized to control the pressurization and/or venting of the aircraft fuel system; and flow indicators used to indicate movement of fuel in the aircraft fuel system with the exception of engine fuel flow meters/indicators and fuel quantity indicating systems. Such commonly used fuel system components generally are characterized as follows:

(a) Fuel level shut-off valves used during pressure and ground and/or in-flight refueling and/or transfer;

(b) Float operated devices (be they electric switch or fluid control pilot type valves) utilized to signal/control shut-off of the valves mentioned in Item (a) above;

(c) Integral fuel level control valves—any combination of Items (a) and (b) in a common housing;

(d) In-flight refueling engagement devices—MA–2 type probe nozzles, MA–2 type reception couplings as used by the Navy, and retractable probe masts; and Air Force in-flight refueling boom receptacles (receiver);

(e) Drain valves for water or fuel;

(f) Pressure fueling/defueling adaptors, caps and housings;

(g) Open-closed type-shut-off valves (butterfly, slide, poppet, ball);

(h) float operated switches;

(i) fuel filters (74 micron and finer) and fuel strainers (74 microns up to 50 mesh), supplied and mounted for aircraft only, but not to include filters with paper elements;

(j) wing pivot fittings (used only on F–111 and F–14 aircraft)—used as flexible telescoping fuel lines;

(k) ejector pumps;

(l) self-sealing quick disconnects (only those used with the drop tank installation);

(m) vent valves—to include sniffle type valves;

(n) pressure and/or flow regulators—(1) fuel, or (2) air as used for fuel tank pressurization;

(o) pressure relief valves—(1) fuel or (2) air as used for fuel tank pressurization;

(p) check valves—for single direction flow control (non-return valve);

(q) selector valves (3 or more ports);

(r) flow operated switches.

7. "Unique machines and special tooling" shall mean those machines and tools, and each of them listed on Schedule C attached hereto.

8. "Divestiture Components" shall mean those fuel system components listed on Schedule A attached hereto.

IV. The provisions of this Final Judgment shall apply to the defendant, its successors, subsidiaries and assigns, and to each of their respective officers, directors, agents, and employees when acting in such capacity and to those persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

V. A. Parker is ordered and directed to, within sixteen (16) months from the date of entry of this Final Judgment, enter into a contract or agreement, hereinafter referred to as contract of divestiture, which will accomplish the divestiture ordered by this Final Judgment. Parker is ordered and directed to completely divest itself, within sixteen (16) months from the date of contract of divestiture, of all of its right, title, interest and obligations under all existing contracts, orders, proposals, quotations, and future follow-on contracts, for the manufacture and sale of the Divestiture Components.

B. The contract of divestiture and divestiture ordered by this Final Judgment shall be made to a single purchaser who shall demonstrate to the plaintiff that it has the potential to design and manufacture the

Divestiture Components. Divestiture shall be accomplished so as to not disrupt delivery schedules, and should be made so as to minimize inconvenience to prime contractors.

C. Parker is ordered and directed to cooperate to the best of its ability with the purchaser to promptly accomplish the divestiture ordered by this Final Judgment, and to make available to such purchaser, at such purchaser's option, until the divestiture ordered herein is completed, and as a part of the divestiture purchase price:

1. Parker's existing engineering and manufacturing information, including, but not limited to, blue prints, drawings, specifications, plans, manufacturing route sheets, tooling information which Parker owns or controls at the time it enters into the contract of divestiture and which are used in the manufacture or production of Divestiture Components;

2. All machinery and tooling which Parker acquired in its acquisition of Schulz which Parker presently owns and which may be used in the manufacture or production of Divestiture Components;

3. All unique machines and special tooling which Parker presently owns and which is used in the manufacture or production of the Divestiture Components;

4. Unrestricted, non-exclusive, royalty-free licenses under the patents listed on Schedule B hereto, and under all other Parker patents and patent applications used on or before the date of divestiture in the manufacture or production of the Divestiture Components;

5. Engineers and other technically qualified employees who shall be sent to the purchaser's plant to assist in designing plant and lay out, in setting up production facilities, and in solving such production problems as may arise. Purchaser will reimburse Parker for such assistance at Parker's established bid rates for such class of service, plus travel expenses;

6. Any information used by Parker in purchasing raw materials and parts needed in the production of Divestiture Components. At purchaser's option, Parker will use its best efforts to aid purchaser in obtaining said raw materials and parts, including consenting to the assumption by purchaser of Parker's purchasing rights and obligations under any purchase orders for said raw materials and parts;

7. The opportunity to discuss employment with any former Schulz employee presently employed by Parker.

D. Parker is ordered and directed to allow employees of the purchaser to have access to Parker's plant, upon notice to Parker, during regular business hours on a reasonable number of occasions in order to inspect and observe Parker's production of the Divestiture Components.

E. Parker is ordered and directed to reimburse each prime contractor and Armed Service for additional costs resulting from the divestiture ordered by this Final Judgment, not to exceed $500 to the Armed Service and $1,250 to the prime contractor per each end item so divested, said claims to be made in writing within a reasonable time after all such costs are incurred but within six months following the completion of the divestiture herein.

VI. If the divestiture ordered by this Final Judgment has not been completed within sixteen (16) months from the date of contract of divestiture, twelve and one-half percent (12½%) of the monies received by Parker from the delivery of any of the Divestiture Components after the expiration of the said thirty-two (32) month period, shall be placed in escrow and shall become the property of the purchaser unless Parker can demonstrate to the Court that the failure to accomplish divestiture is due to events beyond Parker's control.

VII. Parker will eliminate any exclusive feature of its patent license agreement with Fairchild Republic Division of Fairchild Industries, Inc. ("Republic") under U.S. Letters Patent 2,983,688, relating to a Retractable Receptacle for Flight Refueling, and at the purchaser's option, will grant to the purchaser, a sublicense under such patent license on terms no less favorable than Parker has under its license from Republic.

VIII. The purchaser shall submit to the jurisdiction of this Court, and shall agree to engage in the production of Divestiture Components for a reasonable period of time.

IX. A. Parker shall promptly make known the divestiture ordered by this Final Judgment by the ordinary and usual means and shall furnish to all *bona fide* prospective purchasers, upon written request, on an equal and non-discriminatory basis, the following information with respect to the Divestiture Components: (1) an inventory of available machinery, equipment and tooling acquired from Schulz, not previously sold by Parker with Court approval; (2) a total ship set price for the F–14 bill of material and one total ship set price for the aggregate of all the Divestiture Components; (3) an approximate total sales figure for the aggregate of all the Divestiture Components for the fiscal year ending June 30, 1974; (4) approximate information concerning the number of the Divestiture Components Parker produced from January 1, 1970 to the date of entry of this Final Judgment and Parker's current delivery rate and its present backlog and existing options for possible production; (5) all outline drawings of the Divestiture Components. Parker shall not be required to submit any information or materials described above to anyone unless the recipient thereof executes an affidavit requiring recipient to keep such information and/or materials confidential, not to reproduce it, and to return same to Parker.

B. The divestiture ordered by this Final Judgment shall be first approved by the Plaintiff, or failing such approval, the approval of the Court, after reasonable notification to the plaintiff that defendant intends to seek Court approval.

C. Parker shall submit written reports to the plaintiff every three (3) months following the entry of the Final Judgment describing the efforts made by Parker to accomplish the divestiture ordered by such Final Judgment.

D. At least sixty (60) days in advance of the anticipated closing date of any contract of divestiture pursuant to this Final Judgment, Parker shall supply plaintiff with the name of the proposed purchaser, and all pertinent information respecting the proposed divestiture, together with any additional information plaintiff may request. Plaintiff will advise Parker in writing, within 30 days after Parker has supplied all the requested information, of plaintiff's objections, if any, to the proposed divestiture.

E. The divestiture ordered by this Final Judgment shall be made in good faith and shall be absolute and unqualified, and Parker shall not take any action which will impair or impede Parker's ability to accomplish such divestiture.

F. Nothing herein contained shall be deemed to prohibit Parker from retaining, accepting and enforcing a bona fide lien, mortgage, pledge, deed of trust, or any other form of security reasonably necessary to secure full payment of the price at which the divested property is sold or otherwise disposed of, provided that if Parker shall reacquire or regain ownership of or control over the property divested as a result of any lien, mortgage, deed of trust, or otherwise, Parker shall be required to terminate such ownership or control within eighteen (18) months thereafter. Parker's disposition of such regained property shall be made only to a person or persons first approved by the plaintiff, or by the Court upon a proper showing by the defendant, and after at least sixty (60) days notice to the plaintiff of Parker's intention to make such disposition, and setting forth in that Notice the same type of information required by the Final Judgment with respect to the initial divestiture ordered herein.

X. A. If Parker has not notified the plaintiff within fourteen (14) months following the date of entry of this Final Judgment that it has entered into a contract of divestiture, each party shall notify the other in writing of the names and descripions of three persons it wishes to nominate as a possible trustee. The parties shall seek to agree upon one of the nominees to serve as a trustee for the divestiture ordered by this Final Judgment, and if the parties are unable to agree, the Court may select a trustee from said nominees.

B. If Parker has not entered into a contract of divestiture by the end of the sixteen (16) month period immediately following the date of the entry of this Final Judgment the Court shall appoint a trustee upon application by the plaintiff and with notice to Parker of such application. Said trustee's main endeavor shall be to obtain prompt divestiture in accordance with the provisions of this Final Judgment to a qualified purchaser. The trustee shall furnish a written report to plaintiff and defendant every thirty (30) days after appointment, describing the efforts made to accomplish said divestiture. The trustee shall have the power to accomplish divestiture and shall perform at the expense of Parker under a schedule of Court approved fees and costs to be fixed at the time of said trustee's appointment.

C. The trustee, as soon as possible, but not less than sixty (60) days in advance of any proposed divestiture, shall notify the plaintiff and the defendant of the terms and conditions of the proposed divestiture, and they shall have thirty (30) days thereafter to file with this Court any objections either of them may have to the proposed divestiture, and the Court shall hear all parties with respect thereto, including said trustee.

D. Until the divestiture ordered by this Final Judgment is accomplished, Parker shall retain control and management of its rights, titles, interest and obligations, in the contracts to be divested, subject; however, to actions of the trustee taken for the purpose of effecting the ordered divestiture.

E. Parker shall extend its fullest cooperation to said trustee to help him accomplish the divestiture ordered by the Final Judgment.

F. In the event Parker reacquires any part of or all of the divestiture accomplished by the trustee pursuant to this Final Judgment, it shall, within one year after such reacquisition, divest in accordance with the provisions of said Final Judgment, that part reacquired.

XI. For a period of ten years from the date of entry of this Final Judgment, Parker is enjoined and restrained from acquiring more than one (1) percent of the outstanding capital stock of any person engaged in the manufacture or sale of specified fuel system components whose annual sales thereof for the preceding calendar year exceeded $100,000 or from acquiring capital assets of such person, relating to such person's manufacture or sale of specified fuel system components.

XII. For the purpose of determining or securing compliance with this Final Judg-

ment, and for no other purpose, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Parker made to its principal office, be permitted, subject to any legally recognized privilege:

A. Access, during the office hours of Parker, who may have counsel or accountants present, to those books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Parker regarding any of the subject matters contained in this Final Judgment; and

B. Subject to the reasonable convenience of Parker and without restraint or interference from it, to interview officers or employees of Parker who may have counsel present, regarding any such matters.

Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, Parker shall submit such reports, in writing, to the Department of Justice 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 XII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, 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.

XIII. 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 and directions as may be necessary or appropriate for construction or modification of any of the provisions thereof, or enforcement of compliance therewith, and for the punishment of violations thereof.

XIV. The Court finds this Final Judgment to be in the public interest.

Dated: _____

_____
(United States District Judge)

SCHEDULE A

Parker is to divest itself of all its rights with respect to the following components. The Schulz part numbers are shown for reference only. Any part number which represents a modification or replacement for the part number listed below shall be deemed included in the items to be divested.

Item No.	Aircraft program	Product description	Part No.
1	F-15	Aerial refueling receptacle	1-270-1
2	F-14	High-level pilot valve	1-369-51
3	F-14	Wing tank pilot valve	2-669-1
4	F-14	Pilot-operated shutoff valve	7-1268-1
5	F-14	IFR probe mast	4-569-1
6	F-14	Fuselage shutoff valve	9-1268-1
7	F-14	Valve assembly, pressure vent	1-470-1
8	F-14	Valve pilot low-level, pressure-vent valve	2-470-1
9	F-14	Manifold	1-969-11
10	F-14	Regulator	5-1268-101
11	F-14	MA-2 aerial refueling nozzle	8-958-201
12	S-3A	Ejector fuel feed-pump assembly	1-1169-1-1
13	S-3A	do	1-1169-1-3
14	S-3A	Check valve	1-770-1
15	B-1	UARRSI	2710915

However, if the Armed Services should issue a new Military Specification with respect to a UARRSI inflight receptacle, other than Part 2710915, and the prime contractor for the B-1 determines that said new Military Specification UARRSI should be used in place of Part 2710915, Parker may participate in competition for the award of and supply said procurement for the B-1 notwithstanding its sale of Part 2710915. Parker is not required to disclose to buyer any material Parker generated with respect to said Military Specification item, beyond that required to be disclosed with Part 2710915.

Item No.	Aircraft program	Product description	Part No.
16	(1)	Aerial refueling nozzle, type MA-2, in accordance with current specification MIL-N-25161.	8-958-201-1
17	(1)	Aerial refueling coupling, type MA-2, in accordance with current specification MIL-N-25162.	7-653-181-2

[1] Miscellaneous.

Notwithstanding the foregoing with respect to Aerial Refueling Coupling Part No. 7-653-181-2, Parker shall be permitted to retain a right to manufacture and sell said item and may compete with buyer for sales of the same. Except in the event that Parker sells a substantial portion of its assets related to the manufacture of specified fuel system components, Parker's aforesaid right to manufacture and sell shall be nontransferable.

Parker will supply buyer with whatever information Schulz had generated in expectation of a new design, revision or modification of the military specification for the above-described nozzle and/or coupling prior to the time Parker acquired Schulz' assets. Further, Parker will supply buyer with whatever engineering information Parker generated in expectation of such a revision or modification or new design between the time of its acquisition of Schulz' assets and the date of the contract of divestiture. All matters hereinabove notwithstanding, Parker is free to continue to develop and may manufacture and sell any such revision or modification or new design for any use whatsoever.

SCHEDULE B

PATENTS ISSUED

Patent number:	Date issued
2,836,747	5-27-58.
2,842,157	7-08-58.
2,851,055	9-09-58.
2,854,022	9-30-58.
2,929,417	3-22-60.
2,931,506	4-05-60.
2,946,605	7-26-60.
2,969,803	1-31-61.
3,067,972	12-11-62.
3,086,565	4-23-63.
3,091,419	5-28-63.
3,108,769	10-29-63.
3,126,909	3-31-64.
3,129,977	4-21-64.
3,144,056	8-11-64.
3,172,420	3-09-65.
3,177,896	4-13-65.
3,177,889	4-13-65.
3,182,569	5-11-65.
3,186,426	6-01-65.
3,187,133	6-01-65.
2,207,179	9-21-65.
3,223,802	12-14-65.
3,233,058	2-01-66.
3,237,639	3-01-66.
3,269,694	8-30-66.
3,269,736	8-30-66.
3,352,332	11-14-67.
3,402,732	9-24-68.
3,475,001	10-28-69.
3,586,033	6-22-71.
3,587,622	6-28-71.
3,587,678	6-28-71.
3,668,076	6-28-71.

SCHEDULE C

Unique Machines and Special Tooling

RE: FUSELAGE SHUTOFF VALVE 9-1268-101

Tool No.	Tool Description
TD 15594	Rivet fixture.
F65-0-2095	Test fixture.
TD 16185	Test fixture.
TD 14779	Flat form.
TD 14784	Step drill.
TD 14781	Step drill.
TD 14783	Drill jig.
TD 14934	Gage.
TD 14914	Flat form.
TD 15143	Draw die.
TD 15145	Sizing die.
TD 15509	Weld fixture.
TD 16015	Form tool.
TD 16212	Weld fixture.
TD 14550	Weld fixture.
TD 14780	Flat form.
TD 14672	Mandrel.
TD 14782	Round form.
TD 14935	Flat form.
TD 14619	Drill jig.
TD 14619	Drill jig.
TD 15144	Draw die.
TD 15508	Weld fixture.
TD 14323	Teflon cutter.

RE: MA2—AERIAL REFUELING NOZZLE 8-958-201

Tool No.	Tool Description
TD 1623	Hold fixture.
TD 14709	Chuck jaws.
TD 12603	Flat form.
TD 12605	Chuck jaws.
TD 2627	Round form.
TD 2910	Gage.
TD 11925	Boring bar.
TD 2572	Drill jig.
TD 14050	Tape fixture.
TD 1947	Check fixture.
TD 14041	Chamfer tool.
TD 5183	Marking wheel.
F59-0-1358	Clamping ring.
TD 12602	Flat form.
TD 12604	Round form.
TD 12607	Flat form.
TD 1599	Flat form.
TD 3021	Gage block.
TD 11926	Groove tool.
TD 1587	Drill jig.
TD 14040	End mill.
TD 2309	Gage block.
TD 1624	Lettering fixture.
F59-5-615	Holding fixture.
F67-1-24	Trunk cage.
F42-0-219	Vise jaws.
C9-0-545	Flat form.
TD 5234	Hollow mill.
TD 5127	Flat form.

Tool No.	Tool Description
TD 8523	Inspection template.
TD 13758	Flat form.
TD 5683	Chuck jaws.
TD 5131	Flat form.
TD 5124	Arbor.
TD 5132	Recess tool.
F67–1–25	Snap roll.
TD 7947	Flat form.
TD 5125	Hollow mill.
TD 5128	Flat form.
TD 8524	Check fixture.
TD 7425	Arbor.
TD 14037	Flat form.
TD 5129	Round form.
TD 5130	Round form.
TD 5133	Flat form.
F56–0–6	Grind fixture.
TD 15572	Rotating fixture.
TD 15574	Drill jig.
TD 15567	Spanner wrench.
TD 15569	Support anvil.
TD 15575	Rotating fixture.
TD 15571	Spanner wrench.
TD 1545	Mill mandrel.
TD 14356	Roughing flat form.
TD 14754	Flat form.
TD 14751	Wrap around jaws.
TD 14796	Wrap around jaws.
TD 15469	Flat form.
TD 15573	Clamp.
TD 15566	Assembly hold fixture.
TD 15568	Spacer.
TD 15570	Hollow punch.
TD 2938	Arm gage adjustment.
TD 8175	Flat form.
TD 2925	Stake fixture.
TD 14755	Flat form.
TD 14753	Flat form.
TD 14752	Flat form.
TD 1421	Round form tool.
TD 1589	Mandrel for tape.
TD 1505	Drill jig.
TD 5688	Chuck jaws.
TD 15462	Boring bar.
TD 5745	Flat form.
TD 1446	Hold fixture.
TD 16124	Flat form.
TD 4162	Chuck jaws.
TD 1963	Checking fixture.
TD 428	Mill fixture.
TD 1685	Drill jig.
TD 2360	Step drill.
TD 361	Round form.
TD 12822	Step drill.
TD 2610	Plugs.
TD 1920	Drill jig.
TD 2007	Drill jig.
TD 15370	Chuck jaws.
TD 1432	Round form.
TD 15375	Flat form.
TD 5620	Chuck jaws.
TD 1435	Flat form.
F67–0–1166	Checking gage.
TD 4260	Mill cutter.
TD 1652	Go & No-Go gage.
TD 7184	Chuck jaws.
TD 16151	Wood support.
TD 4998	Go gage.
F65–1–149	Pressure test fixture.
TD 16128	Spacer plug.
TD 12302	Boring bar.
TD 2613	Drill jig.
TD 6030	Flat form.
TD 2541	Checking gage.
TD 8409	Template.
TD 1964	Checking fixture.
C12–1–15	Mill cutters.
TD 2611	Inspection fixture.
TD 7051	Core drill.
TD 360	Round form.
TD 1231	Ring gage.
TD 2610	Plugs.
TD 1369	Drill jig base.
C12–0–377	Spec. mill cutter.
TD 5559	Chuck jaws.
TD 1433	Round form.
TD 8074	Checking gage.
TD 1596	Flat form.
TD 1436	Flat form.
TD 1549	Mill fixture.
TD 14480	Flat form.
TD 12453	Jaws.
TD 4092	Mill arbor.
TD 4998	No-Go gage.
TD 4482	Flat form.
TD 447	Hold down plate.
TD 448	Drill jig.
TD 7237	Chuck jaws.
TD 1417	Round form.
TD 1419	Flat form.
TD 1424	Round form.
TD 382	Drill jig.
TD 15566	Holding fixture.
F65–0–2439	Test base.
TD 15581	Insert fixture.
TD 2554	Drill jig.
TD 12442	Flat form.
TD 447	Lathe fixture.
TD 6999	Chuck jaws.
TD 7934	Pierse & Blank die.
TD 1418	Flat form.
TD 1423	Round form.
TD 1425	Flat form.
TD 2923	Drill jig.
TD 15567	Spec. wrench.
F65–0–2440	Sleeve assembly.
TD 15582	Flaring tool.
TD 2780	Mill fixture.
TD 12443	Step drill.

RE: REGULATOR—5–1268–251

Tool No.	Tool description
TD 14729	Rivet fixture.
TD 14950	Flat Form.
TD 14694	Holding plate.
TD 14877	Drill jig.
TD 14393	Single cavity rubber mold.
TD 14648	Drill jig.
TD 15506	Flat form tool.
C–12–4–185	En mill cutter.
TD 14650	Drill jig.
TD 14885	Flat form tool.
TD 14883	Checking gage.
TD 14571	Punch cutter.
TD 14570	Punch cutter.
TD 14680	Flat form tool.
TD 14656	Chuck jaws.
TD 14695	Drill jig.
TD 14876	Drill jig.
TD 14729	Rivet fixture.
TD 15377	Draw die.
TD 14649	Mill fixture.
TD 14646	Mill fixture.
TD 14842	Drill jig.
TD 14886	Flat form tool.
TD 14833	Spec. MS33649–16 port tool.
TD 14571	Punch cutter.
TD 15422	Slitting fixture.

RE: VALVE ASSEMBLY—PRESSURE VENT—1–470–1

Tool No.	Tool description
TD 15547	Rivet fixture.
F80–0–1861	Alt. Tool.
TD 15557	Alt. sleeve.
TD 15062	Step drill.
TD 15064	Round form.
F59–5–566	Hold fixture.
TD 15074	Step drill.
TD 15124	End mill.
TD 15066	Round form.
TD 15439	Rougher round form.
TD 15063	Hold fixture.
TD 15070	Round form.
TD 15065–1	Hold fixture.
TD 15065–2	Lathe fixture.
C4–0–142	30 boring bar.
F49–0–1893	Drill jig.
TD 15166	Mill plate.
TD 15131	Flat form.
TD 15133	Lathe fixture.
TD 15090	Chuck jaws.
TD 15086	Flat form.
TD 15556	Form tool.
F80–0–1862	Sleeve.
TD 15061	Hold fixture.
TD 15063	Round form.
F66–0–294	Check fixture.
TD 15072	Step drill.
TD 15073	Round form.
TD 13262	Univ. angel fixture.
TD 15067	Finish round form.
TD 15438	Round form.
TD 15069	Step drill.
TD 15487	Spec. end mil.
TD 14488	Flat form.
TD 15114	Bore bar.
F49–0–1892	Drill jig.
F49–0–1894	Drill jig.
TD 15130	Chuck jaws.
TD 15132	Drill jig.
TD 15134	Flat form.
TD 15091	Drill jig.
TD 15087	Flat form.
TD 15123	Mill fixture.
TD 15089	Drill jig.
TD 15139	Spec. reamer.
TD 15464	Mill fixture
TD 16007	Chuck jaws.
C3–101–86	90° C' sink.
TD 15126	Spec. reamer.
TD 15099	Drill jig.
TD 15093	Flat form.
TD 15113	Flat bottom drill.
TD 15096	Step drill.
TD 15032	Flat form groover.
TD 15035	Step drill.
TD 15037	Flat form.
F62–0–1071	Soline gage.
TD 14681	Flat form.
C9–0–1570	Flat form tool.
F57–0–649	Mill fixture.
TD 15051	Two jaws.
TD 15053	Drill jig.
TD 15033	Flat form tool.
TD 4890	Punch cutter.
TD 10690	Punch cutter.
TD 15088	Key cutter.
TD 16006	Chuck jaws.
TD 15465	Drill jig.
F67–0–1069	Broach gage.
TD 16088	2 Jaw soft jaws.
TD 16106	End mill cutter.
TD 15098	Mill fixture.
TD 15092	Chuck jaws.
TD 15094	Round form.
TD 15095	Drill jig.
TD 15034	Flat form.
TD 15036	Drill jig.
TD 15038	Flat form.
TD 15125	Alignment gage.
TD 15547	Rivet fixture.
C3–103–6	Flat bottom drill.
F50–22–90	Top plate & nest.
C6–103–5	Tre-Pan tool.
TD 15052	Flat form.
TD 14332	Flat form.
TD 15165	Flat form tool.
Punch cutter.	TD 7350

RE: CHECK VALVE—1–770–1

Tool No.	Tool description
TD 14748	Flat form tool.
TD 14976	Drill jig.
TD 14975	Flat form tool.

RE: EJECTOR FUEL FEED PUMP ASSEMBLY—1–1169–1–1 & 1–1169–1–3

Tool No.	Tool description
F80–0–1639	Teflon spacer.
TD 16033	Lining rods.
TD 16149	Ring gage.

Tool No.	Tool Description
TD 16149	Plug gage.
TD 15265	Rough round form tool.
TD 15200	Drill jig.
TD 15201	Drill jig.
TD 16166	Inspection fixture.
TD 14691	Soft jaws.
TD 15212	Drill jig.
TD 15228	Reamer.
TD 14488	Flat form tool.
TD 15302	Spec. boring bar.
C9-0-2020	Flat form.
TD 15315	Mill cutter.
TD 15284	Flat form.
F80-0-1639	Teflon spacer.
TD 15533	Test fixture.
TD 16032	Lining rods.
TD 15196	Chuck jaws.
TD 15197	Lathe fixture.
TD 15198	Lathe fixture.
TD 15266	Finish round form tool.
TD 15199	Step drill.
TD 16166	Inspection fixture.
TD 15288	Round Form tool.
TD 15227	Flat form tool.
TD 15206	Drill jig.
TD 15297	Chuck jaws.
TD 15303	Lathe template.
F6T-0-1206	Flush pin gage.
F49-0-2356	Drill jig.
TD 16032	Gage pin.
TD 16033	Gage pin.

RE: WING TANK PILOT VALVE—2-669-1

Tool No.	Tool description
TD 7202	Bake fixture.
TD 23-455-2001-2	Brinell fixture 23-455-2001-2.
F65-0-2175	Fitting.
TD 14578	Flat form.
F65-0-2175	Test fixture.
TD 14543	Chuck jaws.
TD 14535	Flat form.
TD 14546	Lathe fixture.
TD 14547	Mill fixture.
TD 14502	Chuck jaws.
TD 14503	Tape hold fixture.
TD 14506	Round form.
TD 14507	Step drill.
TD 4064	Key cutter.
TD 14510	Drill jig.
TD 14908	Draw die.
TD 14582	Spot weld fixture.
TD 14513	Flat form.
TD 14516	C' bore tool.
TD 14512	Flat form.
TD 15047	Flat form.
TD 15049	Round form tool.
F80-0-1604	Press fixture.
TD 11061	Teflon G/C cutter.
TD 2950	Form tool.
TD 8891	Flat form.
TD 6011	Step drill.
F66-0-307	Check fixture.
TD 7969	Flat form.
TD 15505	Groove tool.
TD 7959	Form die.
TD 16177	Test fixture.
F65-0-2174	Fitting.
TD 14539	Chuck jaws.
TD 14540	Drill jig.
F65-0-2429	Test fixture.
TD 14534	Step drill.
TD 14544	Drill jig.
TD 14545	Flat form.
F65-0-2135	Test fixture.
TD 14505	Flat form.
TD 14504	Tape hold fixture.
TD 14509	Step drill.
TD 14508	Step drill.
TD 14548	End mill.
TD 14273	Float mold.
TD 14581	Pierce & cam die.
TD 14577	Press fixture.
C1-0-2231	Step drill.
C1-0-2232	C' bore tool.
TD 14514	End mill.
TD 15048	Step drill.
TD 15050	Cam's.
TD 2992	Drill jig.
TD 8784	Braze fixture.
TD 8890	Expanding mandrel.
TD 8079	Drill jig.
F49-0-2124	Drill jig.
TD 7965	Set cam's.
TD 8029	Flat form tool.
TD 7958	Blank & pierce die.

RE: VALVE PILOT LOW LEVEL PRESSURE VENT VALVE—2-470-1

Tool No.	Tool description
C15-0-137	Swage Fixture.
TD 16108	Bake fixture.
TD 16177	Test fixture.
F65-0-2099-9	Test fixture.
TD 15012	Hold fixture.
TD 15013	Holding fixture.
TD 15016	Round form.
TD 15014	Hold fixture.
TD 15022	Hollow mill.
TD 14714	Float mold.
TD 15045	Flat form.
TD 15044	Step drill.
TD 7506	Baking mold.
TD 14611	Flat form.
TD 15185	Drill jig.
TD 7959	Form die.
TD 8890	Exp. mandrel.
TD 8079	Drill jig.
F49-0-2124	Alternate drill jig.
F80-0-1604	Thread adapter.
F80-0-1928	Assembly fixture.
23-455-2001-2	Brinell fixture.
F80-0-1928	Installation tool.
TD 15017	Step drill.
TD 15015	Step drill.
TD 15019	Step drill.
TD 15018	Step drill.
TD 15020	Drill jig.
TD 15042	Flat Form tool.
TD 15043	Round form.
TD 3433	Cutter.
TD 3604	Punch cutter.
TD 14612	Flat form.
TD 7958	Pierce & Blank die.
TD 2950	Form tool.
TD 8891	Flat form.
TD 6011	Step drill.
F66-0-307	Checking fixture.

RE: FUEL RECHECK MANIFOLD—1-969-1

Tool No.	Tool description
TD 10435	Staking tool.
TD 14626	Tape hold fixture.
TD 14647	Round form tool.
TD 14583	Step drill.
TD 14586	Round form tool.
TD 14587	Sleeve.
TD 14434	Grove tool.
TD 14979	Hold fixture.
C29-0-168	Spot face tool.
H3-1-100-18	Flat bottom drill.
F50-25-86	Hop tray and pusher.
TD 10195	Lathe mandrel.
TD 7038	Punch cutter.
TD 10680	Sleeve assembly tool.
TD 14680	Spec. end mill cutter.
TD 14430	Tape hold fixture.
TD 14585	Round form tool.
TD 14584	Hollow mill cutter.
TD 12860	Groove tool.
TD 14978	Tape hold fixture.
TD 14981	Step drill.
C9-0-1974	Flat form.
C-1-0-1920	Form reamer.
TD 10435	Staring tool.
TD 10194	Flat form.
TD 4270	Punch cutter.

RE: IFR PROBE MAST—4-569-1

Tool No.	Tool description
TD 15585	Inserting tool.
TD 15010	Heat treat fixture.
F49-0-2050	Drill jig.
TD 14659	Drill.
TD 14655	Drill jig.
F40-0-793	Chuck jaws.
TD 14409	Chuck jaws.
TD 14887	Lathe fixture.
F42-0-212	Vise jaws.
F55-0-708	Lathe fixture.
F57-0-653	Mill fixture.
TD 14386	Checking fixture.
F55-0-741	Lathe fixture.
TD 14658	Step drill.
F40-0-793	Chuck jaws.
C1-8-38-44	100° C' sink.
TD 14655	Drill jig.
TD 14888	Drill jig.
TD 16026	Drill jig.
F49-0-1912	Drill jig.
F57-0-635	Mill fixture.

RE: PILOT OPERATED SHUT-OFF VALVE—7-1268-1 (2730628)

Tool No.	Tool description
C32-0-82	Nest fixture.
C32-0-82-2	Header.
F80-0-1969	Assembly fixture.
F80-0-1970	Locator assembly.
F66-0-369	Inspection gage.
TD 14484	Drill jig.
TD 14486	Form tool.
C9-0-2021	Form tool.
TD 14490	Tape hold fixture.
C32-0-82-1	Header.
TD 14256	Rivet fixture.
F80-0-1860	Sleeve assembly.
F80-0-1841	Spanner wrench.
F65-0-2056	Assembly fitting.
TD 14485	Reamer.
TD 14487	Lathe fixture.
TD 14489	Drill hold fixture.
C6-0-422	Trepan tool.
TD 14613	Flat form.
F49-0-2304	Drill jig.
TD 14615	Vise jaws.
TD 14618	Flat form.
TD 5968	Punch cutter.
TD 14682	Flat form.
TD 14614	Drill jig.
TD 14617	Flat form.
TD 14553	Drill jig.

RE: AERIAL REFUELING RECEPTACLE—1-270-1 (2710942 M3)

Tool No.	Tool description
TD 16154	Spanner wrench.
TD 14433	Roller gage.
TD 16156	Compression tool.
F-65-0-2239	Proof adapter.
V-9-112	Flat form tool.
TD 14043	Flat form tool.
TD 12399	Flat form tool.
TD 13349	Round form tool.
TD 13508	Chuck jaws.
TD 13511	Spade drill.
TD 12558	Drill plate.
TD 11591	Rivet fixture.
TD 13024	Mill fixture.
TD 16012	Spline ring gage.
F67-0-1110	Master gage.
RF9804DW	Removal tool.
TD 14956	Span wrench.
TD 13098	Rivet fixture.
TD 16155	Test adapter.
F65-0-2107	Test fixture.
F65-0-2169	Test fixture.
F67-0-1168	Functional gage.
TD 14499	Drill jig.
TD 11080	Flat form tool.

Tool No.	Tool Description
TD 12230	Round form.
TD 11607	Step drill.
TD 11608	Flat form tool.
TD 4755	Drill jig.
F49-0-2120	Pierce die.
TD 12700	Drill jig.
TD 11617	Form tool.
F67-0-1109	Spline ring gage.
TD 14956	Wrench.
RF9306DW	Driver tool.
4-1265-2301	Test fixture.
F80-0-1694	Rod end fixture.
4-1265-2301	Test fixture.
TD 13092	Flat form.
TD 14956	Spanner wrench.
TD 13098	Drill rivet fixture.
TD 13093	Flat form.
TD 13096	Drill jig.
TD 13808	Flat form.
TD 11621	Drill jig.
TD 12719	Broach.
TD 14102	Mill fixture.
TD 11520	Cams.
C1-0-1798	Form reamer.
TD 11602	Flat form tool.
F65-1-1	Test fixture.
F43-0-121	Spec collet.
TD 13117	Flat form tool.
F65-0-2107	Test fixture.
F49-0-2333	Drill jig.
F57-0-747	Mill fixture
F49-0-2332	Drill jig.
F55-5-18	Holding fixture.
F67-0-1168	Functional gage.
TD 13094	Flat form tool.
TD 13095	Flat form tool.
F80-0-287	Nest punch.
TD 12447	Broach fixture.
TD 13365	Carbide reamer.
F67-0-1108	Spline gage.
TD 11521	Flat form tool.
TD 11600	Flat form tool.
TD 11603	Drill jig.
TD 13046	Flat form tool.
TD 13116	Flat form.
TD 16157	Pin flaring tool.
C9-102-15	Groove tool.
F67-0-1168	Drill gage.
C12-0-460	Mill cutter.
F57-0-746	Mill fixture.
F55-5-17	Holding fixture.
F67-0-1207	Checking gage.

RE: UARRSI—2710915

Tool No.	Tool description
2723214	Test panel.
2723215	Test panel.

RE: CASTING TOOLING TO PRODUCE THE FOLLOWING PART NUMBERS

1-369-3	1-470-4
1-470-6	1-470-8
1-969-3	1-1169-3
1-1169-6	2-470-3
2-669-4	4-569-6
4-569-13	4-569-15
4-569-21	5-1268-103
5-1268-115	5-1268-118
7-653-8	7-563-14
7-653-17	7-653-24
7-653-46	7-653-82
7-653-88	7-653-90
7-653-93	7-653-105
8-958-3	2731454
2712751-11	4-1265-31-11
2712736-11	2731705
2712751-11	2721749
2712745-11	1-470-5
1-470-3	1-470-9
1-969-7	1-1169-5
1-1169-7	2-669-3
4-569-4	4-569-11
4-569-14	4-569-17
4-569-22	5-1268-106
5-1268-116	5-1268-125
7-653-12	7-653-15
7-653-23	7-653-43
7-653-77	7-653-85
7-653-89	7-653-92
7-653-94	7-1268-3
8-958-105	2732999-11
2-1163-168-11	4-1265-41-3
2712719-11	2721776
2721747	2712719-11

RAYMOND P. HERNACKI, *Edwin D. Hausmann, Richard P. Sax, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, California* 90012, Telephone: (213) 688-2502, Attorneys for the Plaintiff.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

United States of America, plaintiff, v. Parker-Hannifin Corporation; and Purolator, Inc., defendants. (Civil No. 71-1011-LTL Proposed Consent Decree Competitive Impact Statement; filed: June 22, 1976.)

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceeding.* The Department of Justice filed a civil antitrust suit alleging that the acquisition of the Schulz Tool and Manufacturing Company (Schulz) by Parker-Hannifin Corporation (Parker) from Purolator, Inc. (Purolator) violated Section 7 of the Clayton Act. The suit alleged that the acquisition would substantially eliminate competition between Parker and Schulz in the production and sale of specified fuel system components and in-flight refueling system components for military aircraft throughout the United States, and would increase concentration in these product markets.

Specified fuel system components are primarily various types of valves comprising that part of the fuel system of an airplane performing the basic fuel metering and flow regulating functions, and are designed with a capability for single point refueling and for high speed pressure refueling at a nominal fueling rate of 300 gallons per minute or more. In-flight refueling devices include aerial refueling receptacles, couplings, probe masts and nozzles, are complex in design and manufacture, and evolved only after extensive experimentation and testing. The design and manufacture of specified fuel system components requires highly qualified and experienced engineers, design, quality control, assembly and testing personnel.

In 1971 Parker acquired substantially all of the outstanding stock of Schulz from Purolator. At the time of the acquisition, Parker and Schulz were among the leading sellers and producers of these fuel system components and in-flight refueling devices. Subsequent to the filing of the suit, the Court granted Purolator permission to sell the plant formerly operated by Schulz since there were no potential buyers, and Parker was allowed to dispose of a minor quantity of Schulz machinery not considered essential to produce the components involved. The effect of the acquisition was alleged to be the elimination of competition between Parker and Schulz in the manufacture and sale of fuel system components, and a reduction in the number of companies engaged in the manufacture and sale of such components.

II. *Explanation of the Proposed Consent Judgment.* After extended negotiations, the United States and the defendants agreed that the consent judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation provides that there has been no admission by either party, with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of said judgment by the Court is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent judgment provides measures to dispel the anticompetitive effects alleged in the complaint. Under the judgment, Parker is required to completely divest itself of contracts for the manufacture and sale of certain specified fuel system components for the latest type military aircraft, and to provide the purchaser of such contracts with engineering and manufacturing technology and "know-how" concerning the components covered by the divested contracts.

The divestiture required by the proposed consent judgment is to be a single purchaser who will submit to the jurisdiction of the Court and agree to manufacture components for a reasonable time, and who can demonstrate that it has the capability to design and manufacture the fuel system components to be divested. Parker is required to cooperate with such purchaser to complete the divestiture, and to further assist the purchaser to successfully manufacture such components, Parker must also sell all machinery and tooling Parker obtained in its acquisition as well as all unique tools and machines used in the manufacture of the components; supply purchasing information to aid the purchaser in obtaining raw materials and parts; supply engineering assistance in setting up production and solving production problems; and provide royalty-free licenses under patents relating to specified fuel system components and to in-flight refueling receptacles, Parker is also required to allow employees of the purchaser to have access to Parker's plant so as to observe and inspect production of the specified components.

If the divestiture is not completed within a specified period of time, Parker must escrow for the purchaser a portion of the money it receives from delivery of the specified components after expiration of such time unless Parker can show that failure to accomplish the required divestiture was beyond Parker's control. The proposed consent judgment provides for the appointment of a trustee whose main efforts will be directed toward accomplishing divestiture in the event that Parker has not been able to divest during the time provided in the judgment.

Parker must reimburse each prime contractor or Armed Service for additional or unusual costs incurred by such contractor or Armed Service which result from the divestiture ordered by the proposed consent judgment, up to $1,250 to the prime contractor and $500 to the Armed Service, on each end item divested.

Parker is required to publicize the divestiture ordered by the judgment by the usual and ordinary means of accomplishing a sale, and must provide each prospective purchaser with information regarding such divestiture. The purchaser of the assets being divested must be approved by the Government, or in the event the Government refuses to approve such purchaser, Parker must then obtain the approval of the Court.

Finally, the proposed judgment prohibits Parker for ten years from acquiring any company engaged in the manufacture of any specified fuel system component.

III. *Alternatives to the Proposed Consent Judgment.* Alternative proposals which were considered and rejected by the Antitrust Division included a provision which would have excluded from the divestiture certain machines and tooling used in the manufacture of specified fuel system components; a

provision which would have required that the trustee, when appointed, obtain a reasonable price when he sold machinery and equipment under the trusteeship; a provision which would have permitted Parker to select the patents it would make available to the purchaser of the divestiture assets for licensing instead of allowing the purchaser the option of selecting for himself those patents under which he would take a license; and a provision which would have extended the period of time in which divestiture is to be accomplished. These proposals were not considered acceptable by the Antitrust Division. Another alternative to the proposed consent judgment considered by the Division was a full trial on the merits; however, it was determined that the additional relief which might be obtained at trial did not justify the substantial commitment of manpower and expense and the additional delay in obtaining relief. The proposed consent judgment should promptly restore competition in those lines of commerce where Parker and Schulz previously were direct competitors, and important technology and knowhow in the manufacturing of specified fuel system components can be quickly obtained by the purchaser of said components. This transfer of technology could result in the purchaser soon becoming a significant competitor in specified fuel system components in bidding on new aircraft.

IV. *Remedies Available to Potential Private Plaintiffs.* Any potential private plaintiffs which 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 that they would have had were the proposed consent decree not entered. However, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. Section 15(a)), as amended, this judgment may not be used as *prima facie* evidence in private litigation.

V. *Procedures Available for Modification of the Proposed Judgment.* The proposed consent judgment is subject to a stipulation by and between the United States and the consenting defendants, which provides that the United States may withdraw its consent to the proposed judgment at any time until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed consent judgment provides for the Court's retention of jurisdiction of this action in order, among other reasons, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. Section 16(b)), any persons wishing to comment on the proposed judgment may, for a sixty day period prior to the effective date of the proposed judgment, submit written comments to Dwight B. Moore, Chief, Los Angeles, California 90012. The comments and the responses thereto will be filed with the Court and published in the FEDERAL REGISTER. The Department of Justice will evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

VI. *Determinative Documents.* Since there are no materials or documents which were determinative in formulating a proposal for a consent judgment, 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: June 22, 1976.

RAYMOND P. HERNACKI,
EDWIN D. HAUSMANN,
RICHARD P. SAX,
Attorney, Department of Justice.

[FR Doc.76-19047 Filed 7-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 3599]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed application serial number CA 3599 for the withdrawal of the national forest land described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for use as an administrative site.

Prior to the filing of the proposed withdrawal application, this land was open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining in order to protect existing Forest Service structures and improvements from possible adverse mining activities.

On or before August 4, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the land for purposes other than the applicant's; to eliminate land needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the land its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ELDORADO NATIONAL FOREST

HELL HOLE GUARD STATION ADMINISTRATIVE SITE

MOUNT DIABLO MERIDIAN

T. 14N., R. 14 E.,
Sec. 16, NW¼NW¼.

The area described aggregates 40 acres in Placer County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19172 Filed 7-1-76;8:45 am]

[CA 3613]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed application serial number CA 3613 for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for purposes of protecting existing and future fire detection structures.

Prior to the filing of the proposed withdrawal application, these lands were open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining in order to assure that the lands will remain in Federal ownership and to prevent damage or destruction of improvements owned by the United States by mining or prospecting activity.

On or before August 4, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ELDORADO NATIONAL FOREST

BALD MOUNTAIN LOOKOUT

T. 12 N., R. 11 E.,

Sec. 12, NE¼SW¼NW¼, SW¼SW¼NW¼, SE¼SW¼NW¼, S½SE¼NW¼, N½NE¼SW¼.

The area described aggregates approximately 70 acres in El Dorado County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19173 Filed 7-1-76;8:45 am]

[CA-632]

CALIFORNIA

Proposed Withdrawal and Reservation of Land; Correction

In F.R. Document 76-14693, appearing on pages 20718 and 20719 of the issue of Thursday, May 20, 1976 the following corrections should be made:

1. The Document should have been dated May 13, 1976.

2. The dates in paragraphs 4 and 5 should read August 4, 1976., instead of April 23, 1976.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19174 Filed 7-1-76;8:45 am]

SEGREGATION OF LANDS

Termination

Effective at 10:00 a.m. on July 26, 1976 the segregative effect imposed by Recreation and Public Purposes Classification under application SAC 080292 will be lifted from the following described lands:

T. 28 N., R. 13 E., M.D.M.
Sec 2, E½SW¼NE¼ (E½W½ lot 1 of NE¼)

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19175 Filed 7-1-76;8:45 am]

Bureau of Reclamation

LAMOURE AND OAKES SECTION, GARRISON DIVERSION UNIT

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the LaMoure and Oakes Section, Garrison Diversion Unit, North Dakota. This statement (INT DES 76-26, dated June 11, 1976) was made available to the public on June 14, 1976.

The draft environmental statement covers impacts of the LaMoure and Oakes Section of the 250,000-acre Garrison Diversion Unit in detail. The statement covers impacts of irrigation of 13,350 acres in the LaMoure Area and 45,980 acres in the Oakes Area. It also evaluates impacts of associated fish and wildlife developments and of facilities to convey water from Lonetree Reservoir.

A public hearing will be held in Jamestown, North Dakota, at the Ramada Inn on August 10 and 11, 1976, at 10 a.m. each day to receive views and comments from interested organizations or individuals relating to the environmental impacts of this section. Oral statements at the hearing will be limited to a period of 15 minutes. Speakers will not be allowed to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Request for scheduled presentation will be accepted up to 5 p.m. on August 6, 1976, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present their statements at the hearing should contact Project Manager Warren Jamison, Bureau of Reclamation, Room 232, 304 East Broadway, Bismarck, North Dakota 58501, telephone (701) 255-4011, extension 4242, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before August 23, 1976, so that they can be included in the hearing record.

Dated: June 24, 1976.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-19274 Filed 7-1-76;8:45 am]

Geological Survey

GULF OF MEXICO

Safety Device Failure

The Geological Survey hereby extends the time to submit written comments and suggestions concerning the Outer Continental Shelf (OCS) Safety Device Failure and Activity Reporting System to July 21, 1976. A request for comments on this system was previously published in the FEDERAL REGISTER on May 13, 1976.

Any additional comments on the OCS Safety Device Inventory Reporting which was published in the FEDERAL REGISTER on April 12, 1976, will also be considered during this time.

Interested parties may submit written comments to the following address:

Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-19150 Filed 7-1-76;8:45 am]

KNOWN LEASING AREA (COAL)

East Cortez, Colorado

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of Colorado have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(6) COLORADO

East Cortez (Colorado) Known Leasing Area (Coal); March 1, 1975; 9,672 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: June 25, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-19275 Filed 7-1-76;8:45 am]

KNOWN LEASING AREA (COAL)

Durango, Colorado

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of Colorado have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The names of the area, effective date, and total acreage involved are as follows:

(6) COLORADO

Durango (Colorado) Known Leasing Area (Coal); December 2, 1974, 238,635 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: June 25, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 76-19276 Filed 7-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

[Marketing Agreement 146]

PEANUTS; 1976 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1976 Crop Peanuts," "Outgoing Quality Regulation—1976 Crop Peanuts" and the "Terms and Conditions of Indemnification—1976 Crop Peanuts," which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1976 Crop Peanuts," "Outgoing Quality Regulation—1976 Crop Peanuts" and the "Terms and Conditions of Indemnification—1976 Crop Peanuts," be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1976 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1976 Crop Peanuts," "Outgoing Quality Regulation—1976 Crop Peanuts," and the "Terms and Conditions of Indemnification—1976 Crop Peanuts" are hereby approved.

Dated: June 28, 1976.

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

INCOMING QUALITY REGULATION—1976 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1976 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1976 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—16/64 x 3/4 inch; Spanish and Valencia—15/64 x 3/4 inch; Virginia—15/64 x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) for seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operation may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned in-shell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agrement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in

paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 and 3 farmers stock peanuts and shelled or "fragmented" peanuts originating thereform, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse Storage Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1976 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks of openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h) (1) of the Outgoing Quality Regulation.

Outgoing Quality Regulation—1976 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1976 crop peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts, and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	$^{17}/_{64}$-in round	$^{14}/_{64}$- by $^{3}/_{4}$-in slot.
Spanish and Valencia	$^{16}/_{64}$-in round	$^{13}/_{64}$- by $^{3}/_{4}$-in slot.
Virginia, except No. 2 Virginia	$^{17}/_{64}$-in round	$^{14}/_{64}$- by 1-in slot.
No. 2 Virginia	$^{17}/_{64}$-in round only for split, broken, and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through $^{15}/_{64}$x$^{3}/_{4}$ slot screen; for Runners 3.00 percent whole kernels which will pass through $^{16}/_{64}$x$^{3}/_{4}$ inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a $^{15}/_{64}$x1 inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample No. 1," "Sample No. 2," and "Sample No. 3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample No. 1 may be prepared for immediate testing or Sample No. 1, Sample No. 2, and Sample No. 3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample No. 1 to be ground by the Federal or Federal-State Inspection Service or an AMS or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample No. 1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample No. 1. It shall be designated as "Subsample 1–CD." Subsample 1–CD may be sent as requested by the handler or buyer, for afla-

toxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in AMS or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample No. 2 and Sample No. 3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample No. 1 are known. Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample No. 2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample No. 2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB." Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample No. 3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample No. 3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB." Subsample 2–AB and Subsample 3–AB shall be analyzed only in AMS or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost (specified by the Committee) of drawing the three 48-pound samples, grinding of Sample No. 1 and preparation and delivery of Subsample 1–AB to the labaratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample No. 1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler.

The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch, Virginia—$^{15}/_{64}$ x 1 inch, and fall through and pickouts; shall be disposed of only by sale as domestic oil stock, by crushing or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanuts kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of non-edible quality peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled in the same lot. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wildlife feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (1)(1) or (1)(2) of this regulation or they may be moved to another handler for such disposition. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (1)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (1)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible

quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which were disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by an AMS laboratory, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1976 crop peanuts, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects, moisture, or foreign material or are positive as to aflatoxin. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the reqiirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing of fragmenting and exportation. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted"; *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operation at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (1)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted". Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provsions of paragraph (1)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled wth peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushng on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmer stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation, or; (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (1)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (1)(1) and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "in-land" bill of lading and the invoice covering the shipment. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Associations and any such peanuts may be commingled with other categories of shelled peanuts for dsposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them sepa-

rate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l) (1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l) (1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.* (1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such dispositions to export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k) (1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of the crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k) (2), for disposition to export or domestic crushing shall be milled and disposed of pursuant to paragraph (j) (2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k) (2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k) (2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j) (2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h) (3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels and fall through, commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2) and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) with any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish $^{15}/_{64}$ x $^{3}/_{4}$ inch slot; Runner $^{16}/_{64}$ x $^{3}/_{4}$ inch slot; and Virginia $^{15}/_{64}$ x 1 inch slot. Handlers who acquire from other handler or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) with any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k) (2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j) (2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j) (1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h) (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels and fall through commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

(h) PAC indemnified peanuts.

Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (1) (2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "inland" bill of lading and on his invoice covering the shipment. Handlers who acquire, from other handlers or from their own operations, any of the categories of

shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (1) (2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g) (3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), and PAC indemnified peanuts shall be done only under supervision of the Areas Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

TERMS AND CONDITIONS OF INDEMNIFICATION—1976 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1976 Crop Peanuts," and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1976 Crop Peanuts." Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1976 Crop Peanuts," were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the Outgoing Quality Regulation—1976 Crop Peanuts." On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1976 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1976 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require

and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on 1976 crop peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the 1976 crop shall be filed with the Committee no later than November 1, 1977.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1976 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1976 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1976 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

CLEANED INSHELL PEANUTS

(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting Stock [1]

U.S. GRADE SHELLED PEANUTS

(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

SHELLED PEANUTS "WITH SPLITS"

(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64}$ x $^{3}/_{4}$ slot screen.

(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{15}/_{64}$ x $^{3}/_{4}$ slot screen.

(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (1) of the Outgoing Quality Regulation for 1976 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1976 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00-percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (1) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra-Large and all types of peanuts grading U.S. splits as noted hereinafter, shall be a base price of 28.5 cents per pound plus an increase of 7½ points for each $1.00 increase in the final support price, by type, of the 1976 price support on farmers stock peanuts over the 1975 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 30.5 cents per pound plus the same increase as allowed on other indemnifiable categories of Virginia type peanuts. The value of U.S. splits of all types shall be a base price of 25.5 cents per pound plus the same increase, by type, as allowed on other indemnifiable categories.

[FR Doc.76-19285 Filed 7-1-76;8:45 am]

Farmers Home Administration

(Notice of Designation Number A354)

ALABAMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Cullman County, Alabama, as a result of a tornado and high winds occurring March 20, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George C. Wallace that such designation be made.

Applications for emergency loans must be received by this Department no later than August 16, 1976, for physical losses and March 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 24th day of June 1976.

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

[FR Doc.76-19286 Filed 7-1-76;8:45 am]

Food and Nutrition Service

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Third Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1976

Pursuant to section 5 of the Child Nutriton Act of 1966, as amended, Pub. L. 89-642, 80 Stat. 887, $7,350,000 nonfood assistance funds contained in the FY 1976 Supplemental Appropriation Act signed June 2, 1976, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$125,225	$113,925	$11,300
Alaska	9,451	9,451	
Arizona	70,302	70,302	
Arkansas	66,837	63,642	3,195
California	718,348	718,348	
Colorado	76,486	65,274	11,212
Connecticut	110,891	110,891	
Delaware	19,639	19,639	
District of Columbia	22,146	22,146	
Florida	270,678	270,678	
Georgia	182,070	182,070	
Guam	4,116	4,116	
Hawaii	34,737	27,977	6,760
Idaho	26,116	26,116	
Illinois	450,126	450,126	
Indiana	174,640	174,640	
Iowa	99,943	99,943	
Kansas	73,037	73,037	
Kentucky	117,272	117,272	
Louisiana	177,149	177,149	
Maine	39,965	34,570	5,395
Maryland	110,585	110,585	
Massachusetts	204,485	204,485	
Michigan	320,242	320,242	
Minnesota	142,102	142,102	
Mississippi	95,633	95,633	
Missouri	139,928	139,928	
Montana	30,147	27,593	2,554
Nebraska	57,355	47,839	9,516
Nevada	13,969	13,969	
New Hampshire	31,557	31,557	
New Jersey	393,021	393,021	
New Mexico	39,498	38,498	
New York	503,060	503,060	
North Carolina	195,917	195,917	
North Dakota	22,687	20,248	2,439
Ohio	321,472	251,302	70,170
Oklahoma	72,703	72,703	
Oregon	65,525	65,525	
Pennsylvania	443,431	443,431	
Puerto Rico	105,947	105,947	
Rhode Island	23,598	23,598	
Samoa, American	1,747	1,747	
South Carolina	101,030	96,398	4,632
South Dakota	24,325	24,325	
Tennessee	121,781	118,690	3,091
Texas	334,825	304,185	30,640
Trust Territory	15,085	15,085	
Utah	41,888	41,888	
Vermont	17,109	17,109	
Virginia	149,987	138,831	11,156
Virgin Islands	5,395	5,395	
Washington	104,039	77,185	26,854
West Virginia	55,654	55,654	
Wisconsin	162,863	162,863	
Wyoming	13,231	13,231	
Total	7,350,000	7,151,086	198,914

Pursuant to Sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, $7,350,000 nonfood assistance funds contained in the FY 1976 Supplemental Appropriation Act signed June 2, 1976, are apportioned among the States as follows:

Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$115,844	$113,878	$1,966
Alaska	6,576	6,576	
Arizona	44,852	44,852	
Arkansas	64,526	63,399	1,127
California	281,113	281,113	
Colorado	55,137	53,571	1,566
Connecticut	42,949	42,949	
Delaware	15,246	15,246	
District of Columbia	13,787	13,787	
Florida	190,381	190,381	
Georgia	181,631	181,631	
Guam	3,688	3,688	
Hawaii	29,575	27,977	1,598
Idaho	19,595	19,595	
Illinois	199,666	199,666	
Indiana	134,139	134,139	
Iowa	91,321	91,321	
Kansas	61,625	61,625	
Kentucky	113,144	113,144	
Louisiana	148,664	148,664	
Maine	25,210	23,866	1,344
Maryland	71,000	71,000	
Massachusetts	140,700	140,700	
Michigan	141,423	141,423	
Minnesota	118,113	118,113	
Mississippi	86,388	86,388	
Missouri	120,755	120,755	
Montana	15,639	15,151	488
Nebraska	38,685	34,933	3,752
Nevada	7,996	7,996	
New Hampshire	15,355	15,355	
New Jersey	106,633	106,633	
New Mexico	34,439	34,439	
New York	313,362	313,362	
North Carolina	182,381	182,381	
North Dakota	18,951	17,294	1,657
Ohio	224,928	211,992	12,936
Oklahoma	71,627	71,627	
Oregon	47,928	47,928	
Pennsylvania	239,522	239,522	
Puerto Rico	83,562	83,562	
Rhode Island	14,926	14,926	
Samoa, American	1,678	1,678	
South Carolina	97,200	96,398	802
South Dakota	20,610	20,610	
Tennessee	119,729	118,149	1,580
Texas	302,905	297,240	5,665
Trust Territory	12,068	12,068	
Utah	39,830	39,830	
Vermont	11,037	11,037	
Virginia	140,215	138,831	1,384
Virgin Islands	4,448	4,448	
Washington	63,443	62,426	1,017
West Virginia	48,387	48,387	
Wisconsin	96,541	96,541	
Wyoming	8,237	8,237	
Total	4,900,000	4,863,118	36,882

Section 5(e)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$9,381	$47	$9,334
Alaska	2,875	2,875	
Arizona	25,450	25,450	
Arkansas	2,311	243	2,068
California	437,235	437,235	
Colorado	21,349	11,703	9,646
Connecticut	67,942	67,942	
Delaware	4,393	4,393	
District of Columbia	8,359	8,359	
Florida	80,297	80,297	
Georgia	439	439	
Guam	428	428	
Hawaii	5,162		5,162
Idaho	6,521	6,521	
Illinois	250,460	250,460	
Indiana	40,501	40,501	
Iowa	8,622	8,622	
Kansas	11,412	11,412	
Kentucky	4,128	4,128	
Louisiana	28,485	28,485	
Maine	14,755	10,704	4,051
Maryland	39,495	39,495	
Massachusetts	63,785	63,785	
Michigan	178,819	178,819	
Minnesota	23,989	23,989	
Mississippi	9,250	9,250	
Missouri	19,173	19,173	
Montana	14,508	12,442	2,066
Nebraska	18,670	12,906	5,764
Nevada	5,973	5,973	
New Hampshire	16,202	16,202	
New Jersey	286,388	286,388	
New Mexico	4,059	4,059	
New York	189,698	189,698	
North Carolina	13,536	13,536	
North Dakota	3,736	2,954	782
Ohio	96,544	39,310	57,234
Oklahoma	1,076	1,076	
Oregon	17,597	17,597	
Pennsylvania	203,909	203,909	
Puerto Rico	22,385	22,385	
Rhode Island	8,672	8,672	
Samoa, American	69	69	
South Carolina	3,830		3,830
South Dakota	3,715	3,715	
Tennessee	2,052	541	1,511
Texas	31,020	6,945	24,975
Trust Territory	2,417	2,417	
Utah	2,058	2,058	
Vermont	6,072	6,072	
Virginia	9,772		9,772
Virgin Islands	947	947	
Washington	40,596	14,759	25,837
West Virginia	7,267	7,267	
Wisconsin	66,322	66,322	
Wyoming	4,994	4,994	
Total	2,450,000	2,287,968	162,032

(Secs. 2, 5, 6 and 8 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1774, 1775, 1777-1785.)

Dated: June 25, 1976.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.76-9178 Filed 7-1-76;8:45 am]

Forest Service

LONG ISLAND UNIT MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Long Island Unit Management Plan, USDA-FS-R10-DES (Adm) 76-01.

This environmental statement concerns a proposed land use plan for Long Island, on the Ketchikan Area of the Tongass National Forest. The plan gives direction for managing the timber, recreation, fish, wildlife, water, and minerals resources of Long Island. Timber, commercial fish, and mineral commodities are optimized. No significant recreation use is anticipated. Timber harvest is anticipated to have the greatest impact on the land and wildlife. Water quality will be protected and critical wildlife habitat maintained.

This final environmental statement was transmitted to CEQ on June 24, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3231, 12th St. & Independence Avenue, S.W., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, 329 Harbor Drive, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to James S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT H. TRACY,
Acting Regional Forester,
Alaska Region.

JUNE 24, 1976.

[FR Doc.76-19215 Filed 7-1-76;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP., HENDERSON, KY.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance

with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $6,500,000 to Big Rivers Electric Corporation, of Henderson, Kentucky. These loan funds will be used to finance capital improvements to the borrower's generating plants.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Marshall R. Dorsey, Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Dorsey. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Big Rivers and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 24th day of June 1976.

DONALD E. RUNYON,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.76–18968 Filed 7–1–76;8:45 am]

EAST KENTUCKY POWER COOPERATIVE

Public Information Hearing

Take notice that the Rural Electrification Administration, together with the U.S. Environmental Protection Agency, Region IV, and the Kentucky Department for Natural Resources and Environmental Protection will hold a public information hearing on August 3, 1976, at the Mason County Middle School Auditorium, U.S. Highway 68, Maysville, Kentucky, with respect to the environmental aspects of the proposed addition of a 500 mw coal-fired generating unit to the Hugh L. Spurlock Power Station near Maysville, Kentucky.

Both oral and written comments will be accepted; however, for the accuracy of the record, written comments are encouraged. Limits may be fixed for the time allowed for oral statements.

The Rural Electrification Administration and the Environmental Protection Agency prepared a Draft Environmental Impact Statement concerning this proposed generating unit addition. The Draft Environmental Impact Statement was made available to CEQ and the public on April 27, 1976. Copies are available for review at 305, 1421 Peachtree Street, Atlanta, Georgia; Room 4322 South Building, 14th and Independence Avenue, SW Washington, D.C. and East Kentucky Power Cooperative, Inc., P.O. Box 707 Winchester, Kentucky 40391.

Dated at Washington, D.C., this 25th day of June 1976.

DONALD E. RUNYON,
Acting Administrator.

[FR Doc.76–18967 Filed 7–1–76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Results Tabulated in June 1976

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P–28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between June 1, 1976, and June 30, 1976.

Dated: June 28, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Cotter, city	Baxter	Mar. 30, 1976	949
Lonoke, city	Lonoke	Apr. 13, 1976	3,520
Mayflower, city	Faulkner	Apr. 6, 1976	1,189
Idaho:			
Burley, city	Cassia and Minidoka	Mar. 22, 1976	8,773
Inkom, city	Bannock	Apr. 26, 1976	776
Illinois:			
Atwood, village	Douglas and Platt	Apr. 5, 1976	1,400
Chatham, village	Sangamon	Apr. 28, 1976	4,635
Coal Valley, village	Henry and Rock Island.	Apr. 5, 1976	3,463
Divernon, village	Sangamon	Apr. 26, 1976	1,094
Vernon Hills, village	Lake	Feb. 11, 1976	2,680
Wadsworth, village	do	Apr. 8, 1976	986
Indiana: Kingsford Heights, town	La Porte	Mar. 29, 1976	1,616
Iowa:			
Bronson, city	Woodbury	Feb. 19, 1976	242
Story City, city	Story	Apr. 19, 1976	2,611
Treynor, town	Pottawattamie	May 3, 1976	727
Michigan:			
Allendale, township	Ottawa	Apr. 15, 1976	5,204
Byron, township	Kent	Apr. 6, 1976	9,062
Courtland, township	do	Apr. 22, 1976	2,735
Flushing, city	Genesee	Apr. 1, 1976	8,313
Hartland, township	Livingston	Apr. 19, 1976	4,536
Oakland, township	Oak'and	Apr. 5, 1976	6,365
Oshtemo, township	Kalamazoo	Mar. 17, 1976	9,376
Park, township	Ottawa	Apr. 6, 1976	8,642
Springfield, township	Oakland	Apr. 22, 1976	6,506
Walker, city	Kent	Mar. 17, 1976	13,349
Nebraska: Gering, city	Scotts Bluff	Apr. 6, 1976	6,680
New York:			
Churchville, village	Monroe	Mar. 22, 1976	1,336
Gardiner, town	Ulster	Apr. 12, 1976	3,212
Nanticoke, town	Broome	Mar. 23, 1976	1,401
New Windsor, town	Orange	Apr. 20, 1976	81,083
Schuyler, town	Herkimer	Mar. 30, 1976	2,889
Stafford, town	Genesee	Mar. 22, 1976	2,516
North Carolina			
Long Beach, town	Brunswick	Mar. 29, 1976	1,656
Spring Lake, town (annexed areas only)	Cumberland	Apr. 20, 1976	1,790
North Dakota: West Fargo, city	Cass	Mar. 29, 1976	7,919
Pennsylvania:			
Center, township	Beaver	Apr. 6, 1976	11,056
Fairview, township	York	do	11,292
West Hanover, township	Dauphin	Mar. 29, 1976	5,257
Wisconsin:			
Fitchburg, town	Dane	Mar. 12, 1976	10,259
Middleton, town	do	Mar. 29, 1976	1,881

[FR Doc.76–19073 Filed 7–1–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Mental Health Services Research Review Committee.

Authority for this committee will expire June 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 28, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-19246 Filed 7-1-76;8:45 am]

Center for Disease Control

MEDICAL LABORATORY SERVICES ADVISORY COMMITTEE, SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Renewals

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Center for Disease Control announces the renewal by the Secretary, Department of Health, Education, and Welfare, on June 10, 1976, with concurrence by the Office of Management and Budget Committee Secretariat, of the Medical Laboratory Services Advisory Committee and the Safety and Occupational Health Study Section.

Authority for these committees will expire June 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 25, 1976.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.76-19209 Filed 7-1-76;8:45 am]

Food and Drug Administration

[Docket No. 76N-0227; DESI 763]

CERTAIN ANESTHETIC DRUGS FOR PARENTERAL OR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 763; Docket No. FDC-D-272 (now Docket No. 76N-0227)) published in the FEDERAL REGISTER of April 10, 1971 (36 FR 6909), the Food and Drug Administration announced its conclusions that the drug products described below are effective for use in the production of local anesthesia through various routes of administration and possibly effective for certain other indications. No person has submitted any data in support of the possibly effective indications, and such indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning the possibly effective indications which now lack substantial evidence of effectiveness and states the conditions for marketing such drugs for the indications classified as effective. Persons who wish to request a hearing may do so on or before August 2, 1976. Other products named in the April 10, 1971 notice are not affected by this notice.

NDA 763; Procaine Hydrochloride Sterile Solution containing procaine hydrochloride; High Chemical Company, 1760 N. Howard St., Philadelphia, PA 19122.

NDA 8-816; Xylocaine Jelly containing lidocaine hydrochloride 2 percent; Astra Pharmaceutical Products, Inc., 7 Neponset St., Worcester, MA 01606.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug product.

In addition to the holders of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effective classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below and lack substantial evidence of effectiveness for all other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* a. Procaine hydrochloride is in sterile solution form suitable for parenteral administration.

b. Lidocaine hydrochloride 2 percent jelly is in gel form suitable for topical application.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

i. For procaine hydrochloride injection:

For the production of local anesthesia by infiltration injection, nerve block, caudal, or other epidural blocks; or for spinal anesthesia.

ii. For lidocaine hydrochloride 2 percent jelly:

For prevention and control of pain in procedures involving the male and female urethra and for topical treatment of painful urethritis.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before August 31, 1976 the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1 (f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s),

evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 2, 1976, a written notice of appearance and request for hearing, and (2) on or before August 31, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearings, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 763, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration, (HFC–20), Rm. 4–65.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).

Dated: June 28, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–19234 Filed 7–1–76;8:45 am]

[Docket No. 76N–0237; DESI 654]

NEOSTIGMINE BROMIDE OPHTHALMIC SOLUTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 654) published in the FEDERAL REGISTER of June 25, 1970 (35 FR 10392), the Food and Drug Administration announced its conclusions that the drug product described below is effective in the treatment of various forms of glaucoma and accommodative esotropia. The drug product was also classified as probably effective for the treatment of certain other ophthalmic disorders. Pursuant to that notice, the probably effective indications were deleted from the labeling of the drug product. No person has submitted any data in support of the probably effective indications, and such indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning those indications which now lack substantial evidence of effectiveness and states the conditions for marketing such drug for the effective indications. Persons who wish to request a hearing may do so on or before August 2, 1976.

NDA 0–654; Prostigmin Ophthalmic Solution containing neostigmine bromide; Roche Laboratories, Division of Hoffman-La Roche Inc., Nutley, NJ 07110.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder of the new drug application specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below and lacks substantial evidence of effectiveness for all its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administra-

tion is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile solution form suitable for ophthalmic administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Glaucoma of the open-angle type; conditions obstructing aqueous outflow, such as synechial formation, which are amenable to miotic therapy.

Accommodative esotropia.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before August 31, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 2, 1976, a written notice of appearance and request for hearing, and (2) on or before August 31, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 654, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).

Dated: June 28, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-19236 Filed 7-1-76;8:45 am]

[Docket No. 76N-0200; DESI 1403]

ORPHENADRINE HYDROCHLORIDE TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

A notice (DESI 1403: Docket No. FDC-D-184 (now Docket No. 76N-0200)) was published in the FEDERAL REGISTER of November 7, 1970 (35 FR 17211) in which the Food and Drug Administration announced its conclusions that the drug product described below is effective for use as an adjunct in the therapy of all forms of parkinsonism and possibly effective for use in a wide variety of disorders characterized by skeletal muscle spasm. Pursuant to that notice the sponsor of the drug deleted the possibly effective indications from the labeling of the drug. No person has submitted any data in support of those indications and they are now reclassified as lacking substantial evidence of effectiveness. This notice offers opportunity for hearing concerning those indications which now lack substantial evidence of effectiveness and sets forth the conditions for marketing such drug for the indications for which it is regarded as effective. Persons who wish to request a hearing may do so on or before August 2, 1976.

NDA 10-653; Disipal Tablets containing orphenadrine hydrochloride; Riker Laboratories, Inc., 19901 Nordhoff St., Northridge, CA 91326.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug product.

In addition to the holder of the new drug application specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effective classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below and lacks substantial evidence of effectiveness for all its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approved abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

For use as an adjunct in the therapy of all forms of parkinsonism (postencephalitic, arteriosclerotic, idiapathic).

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before August 31, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug for the indications lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder of the new drug application, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107 (c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 2, 1976, a written notice of appearance and request for hearing, and (2) on or before August 31, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing

concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 1403, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65, Parklawn Building.

Request for the National Academy of Sciences-National Research Council report: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).

Dated: June 26, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–19235 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

BORDEN INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regultaions for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0073) has been filed by Borden Inc., 180 E. Broad St., Columbus OH 43215 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that whey protein phosphates are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–19245 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

KRAFTCO CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0076) has been filed by Merrill S. Thompson of the law firm of Chadwell, Kayser, Ruggles, McGee and Hastings, 135 S. LaSalle St., Chicago, IL 60603, for the Kraftco Corp., 801 Waukegan Rd., Glenview, IL 60025, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that ultrafiltered whey fractions are generally recognized as safe (GRAS) for use in food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–19238 Filed 7–1–76;8:45 am]

[Docket No. 76G–0214]

STANGE CO.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drugs, and Cosmetic Act (secs. 201((s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 4G0032) has been filed by the Stange Co., 342 N. Western Ave., Chicago, IL 60612, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that natural liquid hickory smoke flavor for use in food is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no pre-filing review of the adequacy of data to support a

GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–19237 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

PURITY CHEESE CO.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0071) has been filed by the Purity Cheese Co., P.O. Box 27, Mayville, WI 53050, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that partially delactosed whey and partially demineralized, partially delactosed whey are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–19244 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

WALTER GENE LEW ET AL.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G–0063) has been filed by Walter Gene Lew of Terwilliger, Wakeen, Piehler, Conway, and Klingberg, S.C., Attorneys at Law, 401 4th St., P.O. Box 1063, Wausau, WI 54401 for Frank Thomas, Greenwood, WI and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that modified whey protein is generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.19241 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

STAUFFER CHEMICAL CO.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0068) has been filed by Stauffer Chemical Co., Westport, CT 06880 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that whey fractions such as modified whey/whey protein concentrate, modified whey/partially delactosed, modified whey/lactose concentrate, and modified whey/mineral concentrate are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–19242 Filed 7–1–76;8:45 am]

[Docket No. 75G–0336]

WESTERN GENERAL DAIRIES, INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0070) has been filed by Western General Dairies Inc., 195 West 7200 South, Midvale UT 84047 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that whey protein concentrate is generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before August 31, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, dur-

ing working hours, Monday through Friday.

Dated: June 25, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-19243 Filed 7-1-76;8:45 am]

National Institutes of Health

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Pub'ic Law 92-463, notice is hereby given of the meeting of the Commission for the Control of Hunting's Disease and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on July 19, 1976, in Building 31, Conference Room 8, Bethesda, Maryland 20014.

The entire meeting will be open to the public from 9:45 a.m. to 5:00 p.m. The initial organizational meeting will be to discuss the development of a comprehensive national plan for the control of Huntington's Disease. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, Bethesda, Maryland 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. Nancy S. Wexler, Acting Director, Bldg. 31, Room 8A11, Bethesda, Maryland 20014, (301) 496-9275, will furnish substantive program information.

Dated: June 30, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

RONALD W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-19476 Filed 7-1-76;11:06 am]

CIVIL AERONAUTICS BOARD

[Order 76-6-169; Dockets 22493, 28114, 28120]

HUGHES AIRWEST, ET AL.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of June, 1976.

In the matter of Hughes Airwest, Los Angeles-Boise/Spokane Subpart M Application. In the matter of the application of United Air Lines, Inc., for amendment of its certificate of public convenience and necessary. In the matter of the application of Western Air Lines, Inc. for amendment of its certificate of public convenience and necessity for Route 63 to authorize service between the terminal point Los Angeles-Ontario-Long Beach, California, and the terminal point Spokane, Washington.

Order Setting Application for Hearing in Accordance With Subpart M Procedures

On August 21, 1970, Hughes Airwest filed an application under Subpart M of Part 302 of the Board's Procedural Regulations seeking nonstop authority in the Los Angeles-Boise/Spokane and Boise-Spokane markets.[1] By Order 70-10-6 (October 1, 1970), the Board directed that Airwest's application be processed under Subpart M but no action was taken. On March 6, 1975, by Order 75-3-14, the Board directed Airwest to submit revised exhibits which Airwest filed on June 2, 1975. Airwest presently holds one-stop authority in the Los Angeles-Boise/Spokane market.

Answers in support of Airwest's updated applications were filed by the City and County of Spokane, the Spokane Chamber of Commerce, the State of Idaho Public Utilities Commission and the State of Washington Utilities and Transportation Commission. Answers opposing and requesting dismissal of Airwest's application were filed by United Air Lines and Western Air Lines.

United filed a motion to consolidate its application for nonstop Boise-Los Angeles service in Docket 28120 and Western filed a motion to consolidate its application for nonstop Los Angeles-Spokane authority in Docket 28114 with Airwest's application.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Airwest's application should be set for hearing under the procedures prescribed by Subpart M, and that the application of United in Docket 28120 and Western in Docket 28114 should be consolidated with Airwest's application in Docket 22493. We will deny Western's request for imposition of a pretrial restriction to preclude Canadian service on nonstop Los Angeles-Boise/Spokane flights. Airwest has not proposed such service, and Airwest already has Los Angeles-Canada authority.[2] Therefore, there appears to be no compelling reason why ordinary beyond-segment rights should be excluded in advance. If there is in fact a need for a restriction, it can be shown at the hearing.

Finally, Airwest, United, and Western have not submitted sufficient information for us to determine the environmental consequence of their applications. Therefore, we will require Airwest, United, and Western to file information set forth in Part 312 of the Board's Procedural Regulations within 20 days of the date of adoption of this order.

Accordingly, it is ordered, that:

1. The application of Hughes Airwest in Docket 22493 be and it hereby is set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The request of Western Air Lines, Inc., for a pretrial restriction be and it hereby is denied;

3. The motions of United Air Lines, Inc., and Western Air Lines, Inc., to consolidate their applications in Docket 28120 and Docket 28114, respectively, with Hughes Airwest's application (Docket 22493) be and they hereby are granted; and

4. Hughes Airwest, United Air Lines, Inc., and Western Air Lines, Inc., shall each file environmental evaluations pursuant to section 312.12 of the Board's Regulations within 20 days of the date of adoption of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-19264 Filed 7-1-76;8:45 am]

[Order 76-6-179; Docket 27573 Agreement C.A.B. 25931 R-1 through R-4]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by the Joint Traffic Conferences Relating to Specific Commodity Rates

JUNE 28, 1976

An agreement has been filed with the Board pursuant to section 412(*a*) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 16, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
25931:		
R-1..	1475	Plants; 198 c/kg, minimum weight 100 kg; from Tel Aviv to New York.
R-2..	2196	Yarn, thread, fibers, natural and synthetic; [1] 124 c/kg, minimum weight 100 kg; from New York to Lisbon/Santa Maria.
R-3..	3409	Kitchen and table utensils (including vases), excluding electrical equipment; 208 c/kg, minimum weight 100 kg, 188 c/kg, minimum weight 200 kg; from Belgrade to New York.
R-4..	1024	Fish (live and inedible), including aquarium articles; [1] 228 c/kg, minimum weight 100 kg; from Noumea to Los Angeles.

[1] See applicable tariffs for complete commodity description.

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[1] The request for nonstop authority in the Boise-Spokane market was granted by Order 96-6-18 (dated June 4, 1969).

[2] The best service Airwest could now offer between Los Angeles and Canadian points is two-stop. Grant of the application in Docket 22493 would make possible one-stop service.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 25931, R–1 through R–4, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-19265 Filed 7-1-76;8:45 am]

[Order 76-6-180; Docket 29457]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

North Atlantic Economy Fares; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June, 1976.

By Order 76–4–175, April 30, 1976, the Board disapproved a resolution of the International Air Transport Association (IATA) which would have increased normal economy fares over the North Atlantic for the period May 1 through October 31, 1976. The reasons for the Board's disapproval were discussed at length in that order and need not be repeated here. Generally speaking, the Board indicated that while it accepts the fact that normal economy-class fare passengers receive a transportation service which is superior to that afforded promotional-fare passengers in terms of flexibility of travel, we could not discern such significant differences in carrier costs providing the respective services that would justify charging the normal economy-fare passenger up to twice the amount charged other passengers for essentially the same service.[1] Our analyses indicated that from 1969 to 1975 normal economy fares had been increased in excess of the total average fare increases and that, at their present levels, normal economy fares were well in excess of carrier costs including full return. Although the Board did not attempt to fix the appropriate relationship between normal economy fares and the various promotional fares, it concluded that approval of the proposed normal economy-fare increases was not warranted, since they were not reasonable and were inconsistent with the development of an equitable fare structure.

On May 21, 1976, Pan American World Airways, Inc. (Pan American) filed tariffs for effect July 1, 1976 proposing to increase normal economy fares in its markets from $26 to $34 round trip, or by 2.7 to 4.9 percent depending on season and specific market.[2] On May 28, 1976 and June 1, 1976 Trans World Airlines, Inc. (TWA) and Aerlinte Eireann Teoranta (Aer Lingus), respectively, filed tariffs matching the fare increases proposed by Pan American. Each of the three carriers submitted statements of justification in support of its tariff filing.

Pan American contends that, while it believes the original IATA proposed increases were entirely reasonable and justified, the current proposal is tailored to meet some of the Board's specific objections to those increases and, therefore, should be more acceptable to the Board. Pan American would apply the lowest peak-season increase on any promotional fare recently approved by the Board (Order 76–4–175), with the result that the actual dollar differentials between normal economy and promotional fares for the peak season are not widened in any instance, in contrast to the widening of the gap reflected in the IATA proposal. The carrier estimates that its proposed revision would provide an additional $3.4 million in revenue, which is $1.2 million less than the level originally proposed and would produce for the year ending April 30, 1977 a return on investment of 4.08 percent (compared with 4.35 percent with the originally proposed fares).

With reference to the level of the proposed fares, Pan American alleges that they are cost-related, indicating that the concept of average cost as a basis for pricing is unsound, and that pricing on the basis of fully allocated costs would invariably lead to the conclusion that there can be only one fare. The carrier contends that this philosophy is based on the premise that the cost per passenger is the same regardless of the type of fare used, an assumption which is erroneous considering the amenities available to the normal economy-fare passenger compared with the restrictions and conditions under which promotional fares are available. As a consequence of these allegedly superior services and benefits, the carrier contends that carriage of normal economy-fare passengers involves above-average costs, while carriage of promotional-fare passengers involves below-average costs.[3] In addition, Pan American cites the fact that, while considering U.S.-carrier average costs, the Board failed to recognize industry average costs which are higher because foreign carrier costs are substantially above U.S.-carrier costs. With the North Atlantic Passenger-Fares Investigation pending, it is alleged that the Board appears to have prejudged that case rather than deferring to the carriers' judgments in allowing them some flexibility to reach an improved return on investment.

Pan American contends that residual seats (seats not purchased by normal fare passengers) should be regarded as a by-product. There is no dispute that normal economy-fare passengers should pay for their portion of the fully allocated load and revenue-related costs, as should promotional-fare passengers, although perhaps not the same amount because of differences in amenities; and that both groups of passengers should pay for their share of the flight-related cost of the occupied seats which would be the same per seat for both groups.[4] Pan American indicates that normal fare passengers should bear a more than proportional share of the cost of empty seats, rather than having all passengers share equally in this cost. The carrier alleges that promotional fares in scheduled services which are too high would drive these passengers out of scheduled service and thus increase the share of total costs to be borne by normal fare passengers. The precise weight to be given these factors should be determined in the pending investigation, and it would be unjust to distribute the cost of empty seats equally among all passengers.

The carrier also argues that diversity of demand requires market segmentation, contending that the Board's present policy toward pricing, if carried to its logical conclusion, would produce a single fare with unsatisfied demand at both ends of the scale. The Board has in the past allegedly indicated that a differential price structure is fully justified and that this type of pricing broadens the market, spreads the cost over a greater volume of traffic, permits increased service to every passenger's benefit, and results in lower fares to all (Order 70–2–123). In Pan American's view to compete with charters only with charters is contrary to the public in-

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[1] The agreement, although increasing normal economy fares in a lesser percentage amount (5–6 percent New York/London) than that proposed for promotional fares, increased the actual cost for a normal economy-class passenger New York-London round trip by $42, while promotional-fare passengers despite higher percentage increases would actually pay less than a $42 increase. No real narrowing of the gap was accomplished.

[2] For example, normal economy round-trip fares between New York and London would be increased by 4.7, 4.4 and 3.6 percent, winter, shoulder and peak seasons, respectively. On the other hand, the disapproved agreement would have increased these fares by 6.4 and 5.5 percent, shoulder and peak seasons, respectively.

[3] The thrust of Pan American's argument is directed to the fact that normal economy-fare passengers enjoy unlimited free stopovers, while stopovers for passengers on the promotional fares are restricted. Because stopovers include interlining, revenue is diluted because of proration among carriers.

[4] Pan American would determine its full average cost at 100 percent seat factor for the allocated capacity.

terest in that it would relegate the scheduled service market to a skeleton, rob the public of the benefits of the carriers' ability to cater to all elements of demand, and deprive the scheduled carriers of the ability to compete with charter carriers.

In conclusion, Pan American states that value of service is a recognized basis for pricing a product, indicating that cost is not the only consideration, that the proposed normal economy-fare increases are required and reasonable in view of the carriers' need for revenue improvement, and that the desired financial results could only be obtained by a significant increase in promotional fares which would cause a major disruption of the market.

TWA alleges that the rationale underlying the Board's disapproval of normal economy-fare increases is erroneous; that international routes are generally served with larger aircraft and capacity levels are locked in as a result of meeting foreign competition; and that U.S.-carrier frequencies are at the minimum in view of the inflexibility of capacity. The Board's implication that the filling of otherwise empty seats with promotional-fare traffic has somehow burdened normal fare passenger ignores the realities of transatlantic operations. The carrier argues, given these realities, that a reasonable rate of return cannot be realized for the time being; that steps can, however, be taken to maximize the number of passengers on scheduled service and at the same time optimize the scheduled carriers' revenues. To accomplish this, the Board must refrain from imposing arbitrarily small maximum differentials between normal and promotional fares. Each type of fare should be set to optimize revenues, bearing in mind that each additional promotional-fare passenger retained or attracted to scheduled service will ease the burden which would have to be borne by normal fare passengers. TWA alleges that the existence of promotional fares at attractive and competitive levels must not be used as a reason to deny otherwise justified normal fare increases, and that it would be paradoxical if an attempt to eliminate "discrimination" against the full-fare passenger meant that he must pay more than he now pays. Without benefit of the instant proposal, which allegedly falls within the Board guidelines, TWA expects to incur a significant pre-tax loss over the next year.

Aer Lingus presents its views on the need for a reformation of the North Atlantic fare structure, and notes that its efforts have failed to win IATA acceptance either for structural reform or for substantial increases in the lower yield fares. It indicates that, in its view, the fundamental problem relates to the structure as a whole and with promotional fares in general rather than with the normal economy fare; that the latter fares as originally proposed were fully justified; and that Pan American's proposal represents a reasonable compromise between the IATA agreement and the Board's decision. Aer Lingus further argues that the Board's contention that normal economy fares are set at levels above cost has not been proven, and that pricing of scheduled service should be based on (1) minimizing per-passenger cost by reducing surplus capacity (improving the load factor), offering lower cost transportation to other segments of the market and (2) allocating a greater-than-average proportion of costs to those passengers who initiate demand for the service thereby generating the surplus capacity. Aer Lingus shares Pan American's view that value of service considerations must be taken into account, and that it is not unreasonable to allocate a greater-than-average proportion of costs to the normal economy passenger on the ground that much of the capacity on scheduled services is provided to cater to the flexibility and choice required by that passenger.

As indicated earlier, the essential basis for the Board's disapproval of IATA's proposed increases in normal economy fares was that, despite the fact normal fare passengers receive a transportation service superior in some aspects to that accorded promotional-fare passengers, we were unable to discern differences in cost of a degree sufficient to justify charging an economy-class passenger up to twice the amount charged other passengers. The fares charged normal economy-class passengers continue to be well in excess of the costs of providing the service.[5]

In considering the carriers instant filings it must first be noted that none of the filing carriers have presented economic evidence which would substantiate their claim for increased economy fares and that the basis for the filings boils down to a great deal of rhetoric on economic theories with respect to how North Atlantic passenger services should be priced. However, we are not prepared at this time to engage the carriers in a philosophical debate as to what the Board's long-term North Atlantic fare policy should be. Indeed, the recently instituted North Atlantic Fares Investigation (Docket 27918) is designed specifically to answer this question and to develop reasonable standards and guidelines for the evaluation of IATA fare agreements on a recurrent basis. This investigation will afford the carriers full opportunity to air their views on marginal cost pricing, cross subsidization and other theories which have been advanced here and in other forums concerned with the development of rate policy. In the interim, we find that the carriers have provided no persuasive economic justification for increased economy fares, and, accordingly, they shall be suspended pending investigation.

[5] In Order 76-4-175, the Board indicated that the economic cost (including return) would approximate 6.7 cents per revenue passenger-mile based on the 1975 North Atlantic economy-class operations of Pan American and TWA.

The Board does not challenge the general arguments advanced by Pan American based on the Board's statements in Order 70-2-123, approving an earlier IATA agreement, that a differentiated price structure is fully justified as a short-run means of broadening the market, spreading cost over a greater volume of traffic, and permitting increased service and lower fares to every passenger's benefit. While we still subscribe to this general philosophy, there must obviously be a limit to the differentiation in price between fare categories which can make economic sense. We are constrained to point out that following this course of action in recent years, i.e., acceptance of an increasingly wide range of fare categories, has not in fact, resulted in lower fares for all travelers. The normal fare passenger was certainly not the beneficiary of recent IATA agreements, since economy fares were increased disproportionately in relation to fares charged promotional-fare passengers.

These arguments are neither new nor unique, but reflect a marginal cost theory with which the carriers have historically priced their discount fare offerings. However, the extent to which incremental costs provide the basis for the lower priced fares in the structure is a question we need not reach at this time, since there is no evidence that further increases in economy fares are reasonable. Thus despite the carriers' allegations to the contrary, neither Pan American nor Aer Lingus, have provided convincing arguments in support of the underlying proposition that normal fare passengers should bear the disproportionate burden the carriers seek to assign to this fare category. To do so would mean acceptance of the proposition that flight equipment purchases have been predicated upon normal-fare demand. However, this is quite clearly not the case in a market so predominated by promotional fare travel. In 1964, normal economy fare passengers represented 54.1 percent of total IATA North Atlantic passengers. In 1974, this proportion decreased to 23.2 percent. In actual terms over the same time frame, normal economy passengers increased by 31 percent (from 1.66 million to 2.17 million) while total passengers increased by over 200 percent (from 3.1 million to 9.3 million).

During this same 1964-74 period, average passenger load factors experienced by the IATA carriers remained in the mid 50's, although seasonal peaking is experienced. Generally speaking, economy-class traffic has had adequate access to seats and flights—at such load factors—commensurate with the category of service purchased. We recognize that economy fares must be adjusted to reflect increased costs but surely there has been no need to increase economy fares to insure the availability of economy seats. On the other hand, half-filled aircraft can not mean such a superior economy-class value of service as to warrant fare increases. Rather, as the Board has been saying for years,

problems with the fare structure center on the lowest-priced fare categories.[8]

Domestically, the Board has found that excess capacity can and will exist from time-to-time in the short run, and that corresponding adjustments in capacity cannot readily be accomplished within the same time span in which demand fluctuates. This characteristic of scheduled air transportation is, essentially, the justification for discount fares—to fill otherwise empty seats—during periods of lagging demand. In domestic markets the Board has dealt with this problem by setting the passenger fare level as if all passengers paid normal fares and permitted the carriers to offer discount fares at their own risk. Domestic rate policies, cannot, of course, be applied intact to foreign air transportation and we have no such intention. The relevance of these domestic discount-fare policies will be considered in the pending litigation. However, in absence of compelling evidence showing a distinguishable difference in costs of carriage between full-fare and discount-fare traffic, we intend to hold economy fares at levels which reasonably approximate the costs of providing this service.

We recognize that the nub of the problem which complicates the development of an equitable fare structure on scheduled service is the carriers desire to compete with charter prices on their scheduled services. As the Board has said before, the economic of full planeload charters can in no way be equated with less than full planeload scheduled service. We are quite willing to consider any carefully considered promotional fare proposal but the Board will not permit the subsidization of such fares by increases in normal economy fares.

In conclusion, the proponent carriers have not shown that their proposed economy fare level is cost-related, they have not persuaded us that economy passengers should bear an increased share of the total cost burden nor have they shown that non-cost-related, value of service considerations justify the increases.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularily sections 102, 204(a), 403, 404, 801 and 1002 thereof,

It is Ordered That:

1. An investigation be instituted to determine whether the fares and provisions set forth in the Appendix hereof, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in the Appendix[9] hereof are suspended and their use deferred from July 1, 1976 to and including June 30, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[10] and shall become effect on July 1, 1976;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Pan American World Airways, Inc., Trans World Airlines, Inc., and Aerlinte Eireann Teoranta (Aer Lingus).

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-19266 Filed 7-1-76;8:45 am]

[8] As to Pan American's argument that the Board did not consider foreign carrier costs, data published in the IATA Cost Committee Reports indicated that at an assumed 60 percent economy class load factor, present normal economy fares are well in excess of the IATA carriers' average economic cost (including return).

[9] Appendix filed as part of the original document.

[10] This order was submitted to the President on June 18, 1976.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

COMMITTEES ON EFT PROVIDERS AND REGULATORS

Time and Location of Meetings

The Commissions' Committee on EFT Providers and the Commission's Committee on EFT Regulators will meet on July 7, 1976 and July 8, 1976, respectively, as previously announced (41 FR 24479, June 16, 1976). Each meeting will convene at 9:00 a.m. at the Copley Plaza Hotel in Boston, Massachustts, and will be open to public observation on a first call basis to the extent that limited space permits. Any person interested in observing either of these meetings should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: June 30, 1976.

JAMES O. HOWARD, JR.,
Advisory Committee Management Officer.

[FR Doc.76-19496 Filed 7-1-76;11:13 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Correction

In FR Doc. 76-15634, appearing at page 21855 in the issue for Friday, May 28, 1976, in the table immediately under the heading, titled "Class 7105", insert the following: "Picture Frames, Wood"

PROCUREMENT LIST 1976

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 8465

Bag, Laundry, 8465-00-656-0816.

Comments and views regarding this proposed addition may be filed with the Committee not later than August 2, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-19207 Filed 7-1-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from June 21 through June 25, 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 (August 19, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental, Quality Activities, Office of the Secretary,

U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Final

Trial Boll Weevil Eradication Program, Virginia, North Carolina, South Carolina, June 22: The proposed action is to conduct a 3-year trial-boll weevil eradication program on approximately 260,000 acres of cotton in Virginia, North Carolina, and South Carolina to determine if the technical and operational requirements for eradication can be executed successfully in a large scale operational program. The population suppression technology that will be utilized in the trial program involves the integration of chemical, biological, and cultural control measures in a precisely timed program. The statement indicated no excessive or irreversible impact on the environment. Comments made by: EPA, USDA, local groups and associations. (ELR Order No. 60924.)

FOREST SERVICE

Draft

Alpine Unit Plan, Toiyabe National Forest, California and Nevada, June 21: Proposed is a land use plan for the 221,529 acre Alpine Planning Unit, Toiyabe National Forest. The unit is mostly located in Alpine County, California with smaller portions in Eldorado County, California and Douglas County, Nevada. The plan establishes objectives and policies for the land, water, air, recreation and wilderness, timber, range, wildlife, and human and community development resource systems. Temporary adverse effects will result on existing vegetation soil movement, air and water quality, and wildlife habitat. (ELR Order No. 60915.)

Final

Mt. Welba Unit Land Use Plan, Routt National Forest, Moffat County, Colo., June 21: Proposed is the implementation of a land use plan (muliple use plan) for the Mt. Welba Unit, Bears Ears Ranger District, Routt National Forest, Moffat County, Colorado. The Unit contains 13,440 acres of National Forest lands. Adverse effects include modification of scenic values, periodic and temporary changes in water and air quality and increased soil erosion. Comments made by: EPA, DOI, State agencies, concerned individuals. (ELR order No. 60916.)

Lake Five Planning Unit, Flathead National Forest, Flathead County, Mont., June 23: The proposal is concerned with the implementation of a revised multiple-use plan for 74,330 acres referred to as the Lake Five Planning Unit, Flathead, N.F., Montana. The planning unit has been divided into 12 land areas or management units. Adverse impacts are the closing of some roads, potential water pollution, and disturbance to wildlife. Comments made by: DOI, EPA, State and local agencies, public groups. (ELR Order No. 60931.)

SOIL CONSERVATION SERVICE

Final

Wet Walnut Creek Watershed, several counties in Kansas, June 21: Proposed are projects for watershed protection, flood prevention, and recreation in Bargon, Lane, Ness, Pawnee, Rush, and Scott Counties, North Carolina. Planned project measures include land treatment, single purpose floodwater retarding structures, and multipurpose floodwater retarding-recreation structures. Adverse effects include the elimination of agricultural and terrestrial wildlife habitat use of 2,030 acres, and the displacement of 24 people on nine farm operations. Comments made by: USA, HEW, DOI, DOT, EPA, State and local agencies. (ELR Order No. 60919.)

Flint Creek Watershed, Ontario, Steuben, and Yates Counties, N.Y., June 22: Proposed is a project for watershed protection and flood prevention for the Flint Creek Watershed. The project will consist of conservation land treatment measures on 16,630 acres and about 18.7 miles of channel work. Installation of floodwater retarding structures will require the commitment of 28 acres of cropland and 13 acres of forest land and will cause construction inconveniences, short term increase in sediment and turbidity. Comments made by: USA, HEW, DOI, DOT, USDA, EPA, State and local agencies. (ELR Order No. 60921.)

Bush River Watershed Project, Prince Edward County, Va., June 21: Proposed is a project for watershed protection, flood prevention, water supply, and fish and wildlife development in Prince Edward County, Virginia. The project will consist of land treatment on 19,810 acres of the watershed and eight dams. Project implementation will result in inundation of 26 miles of streams and the inundation or restricted use of 3,076 acres of land presently in forest land, cropland, and pastureland. Terrestrial wildlife habitat will also be reduced. Comments made by: USA, DOI, DOT, EPA, State agencies. (ELR order No. 60918.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

MARITIME ADMINISTRATION

Final

Chemical Waste Incinerator Ship Project, June 21: The statement concerns the consideration of Maritime Administration support for the development of a U.S. flag operated incineration-at-sea capability. As many as four incinerator vessels may eventually be needed nation-wide. Environmental impact of the proposed action would result from the construction/conversion, operation, maintenance, and repair of the vessels to be built under the project. Once the vessels become operational, there will exist a potential hazard to the marine environment from the accidental release of harmful substances, but under observed safety regulations, high-temperature combustion of toxic materials will have a minimal adverse impact. Comments made by: (ERL Order No. 60917.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Draft

USAF Communications Relocation to Scott AFB, St. Clair County, Ill., June 25: Proposed is the relocation of Headquarters Air Force Communications Service and all of its technical units at Richards-Gebaur AFB including four C-140 aircraft to Scott AFB, Illinois (approximately 2,184 military and civilian manpower authorizations), except the 1872nd School Squadron (approximately 12 military manpower authorizations would be combined with the 1380th School Squadron at Norton AFB, California). As a result of the proposed action, approximately 3,770 military and civilian manpower authorizations would be deleted from the Richards-Gevaur AFB which would result in a savings of about 1,573 manpower positions. (ELR Order No. 60937.)

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

FY 77 Navigation Season Demonstration Program, New York, Ohio, Michigan, June 22: The FY 77 Navigation Season Extension Demonstration Program is part of an ongoing investigation to demonstrate the practicability of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. This statement presents various methods to be investigated and associated studies to be undertaken during the FY 77 Demonstration Program. No significant adverse effects are anticipated. (Detroit District) (ELR Order No. 60923.)

Final

Saginaw River and Saginaw Bay, Michigan, June 24: The proposed project is to perform maintenance dredging of the Saginaw River and Saginaw Bay Federal Navigation channels. Approximately 140,000 cubic yards of polluted material dredged from the river is placed on the confined disposal area on Middle Ground Island. The polluted channel section from the D&M R.R. bridge to the river mouth and the section throughout the inner bay will not be dredged until a confined disposal site is constructed to contain the material. Adverse environmental impacts will result from the resuspension of polluted sudiments. (Detroit District) Comments made by: AHP, DOI, EPA, DOT, USDA, State and local agencies. (ELR Order No. 60933.)

Vermilion Harbor, O&M, Erie County, Ohio, June 24: The statement concerns the dredging of about 24,000 cubic yards of sediment from the Vermilion Harbor area approximately once every three years and maintenance of existing harbor structures. Harbor dredgings suitable for open-lake disposal will be deposited in a designated open-lake site in Lake Erie. Dredgings not suitable for open-lake disposal will be transported approximately 10 miles to Huron Harbor and deposited in a diked disposal area. The project will result in the disturbance of benthic communities, air and water pollution, and increased turbidity. (Buffalo District) Comments made by: AHP, USDA, DOC, DOI, DOT, EPA, local groups and individuals. (ELR Order No. 60936.)

Swinomish Channel Maintenance Dredging, Skagit County, Washington, June 24: The proposed project is the continued maintenance dredging of the Squnomish Channel, a protected passage, for purposes of commercial navigation. Dredging will cause the destruction of the benthic habitat, and will increase turbidity of the water in the vicinity. In the long term, possibly significant amounts of agricultural land along the upland shore and mudflat habitat in the intertidal areas would be lost. Land-use development made possible or erosion by dredged material filling could result in adverse secondary effects. (Seattle District) Comments made by: DOI, DOT, USDA, EPA, HUD, DOC, State and local agencies, concerned groups. (ELR Order No. 60932.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0780 (stop 460).

Draft

Steamboat Springs 201 Wastewater Facilities, Routt County, Colorado, June 23: Proposed is the provision of federal matching funds for regional wastewater treatment in the Steamboat Springs region through the authority of the Water Pollution Control Act. The principal river drainage is the Yampa River which is in poor condition. This project is intended to consolidate the five

existing point sources of sewage effluent into one plant designed to achieve stated water quality goals. Plant site options include use of the existing city lagoon site or a new location three miles west of the city lagoons. (Region VIII) (ELR Order No. 60929.)

Cuyahoga Valley Interceptor, Phase I, Cuyahoga County, Ohio, June 25: An analysis of alternatives indicates that the overall needs of the Cuyahoga River corridor from Boston Township to Cleveland would most adequately be met by a three-phase interceptor adequate for 2020 population of the service area. This statement is for Phase I, a seven, 96-inch maximum diameter interceptor sewer running from the Brecksville Sewage Treatment Plant to the Cleveland Southerly Sewage Treatment Plant, with eleven trunk sewers and lift station. Construction of this phase will result in the abandonment of several existing treatment plants, as well as thousands of septic tank filter fields. (Region V) (ELR Order No. 60940.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Robert Stern, Director, Office of Environmental Impact, Federal Energy Administration, New Post Office Building, Room 7119, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, 202—961–8621.

Draft

Strategic Petroleum Reserves, June 25: Proposed is the implementation of the Strategic Petroleum Reserve, Title I, Part B of the Energy Policy and Conservation Act of 1975. The purpose of the Reserve is to mitigate the economic impacts of any future interruptions of petroleum impacts. One hundred fifty MMB of oil will be stored by 1978 in the Early Storage Reserve, and 500 MMB will be stored by 1982 under the full program. Oil will be stored underground in solution-mined salt cavities, conventional miles, or above ground in tanks. Potential adverse impacts include the degradation of surface water quality from construction runoff, increased dredging, and more frequent oil spills. (ELR Order No. 60939.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202—343–4161.

Draft

Central Steam Plant, Denver Federal Center, Jefferson County, Colo., June 23: The proposed project concerns the Central Steam Plant, Building 47, located at the Denver Federal Center, Lakewood, Colorado. The work covers conversion of two of the three existing boilers from natural gas/oil-firing to coal/firing, provision of baghouse particulate removal equipment, and a tall stack. In addition, minor repairs and improvements will be made at the Central Steam Plant to optimize efficiency. Short-term impacts associated with the construction work will be experienced. (ELR Order No. 60927.)

Final

Central Heating and Refrigeration Plant, District of Columbia, June 25: This statement concerns the Central Heating and Refrigeration Plant located between C and D Streets and 12th and 13th Streets, S.W., in Washington, D.C. Proposed is the removal of two coal-fired boilers and the installation of two multi-fuel fired boilers. The project also includes replacing of auxilliary equipment, installation of new high efficiency precipitators, and the modification of the plant penthouse to accommodate the new precipitators. Adverse effects are limited to those associated with construction. Comments made by: EPA, HEW, and District of Columbia Government. (ELR Order No. 60938.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202—755–6308.

Draft

Aliso Hills, Orange County, Calif., June 22. Proposed is the provision of mortgage insurance, if requested, on 791 acres of various residential sites including open sites in a south-central section of Orange County, California. Adverse effects include conversion of agricultural land to urban use, elimination of native wildlife and flora, modification of natural land forms through grading, increases in air and noise pollution, and increases in public service, energy, and facilities demand. (ELR Order No. 60922.)

Final

London Woods Development, Prince Georges County, Md., June 25: Proposed is the development of a 82.5 acre tract of land over a period of approximately five to six years. Development will include construction of 690 townhouse dwelling units in two communities. Adverse impacts of the project include conversion of woodlands to urban use, increased air pollution and storm runoff, traffic congestion and short-term overcrowding of nearby schools. Comments made by: EPA, DOI, COE, HUD, NCPC, State and local groups. (ELR Order No. 60942.)

SECTION 104(h)

Final

Salinas Solid Waste Disposal Facilities, Puerto Rico, June 23: Proposed is the acquisition of twenty-five acres of land for provision of solid waste disposal facilities, Barrio Aguirre, Municipio of Salinas, Puerto Rico. The project consists of the collection of solid waste in the Pueblo and all the Barrios of the Municipio of Salinas and depositing them at the site utilizing acceptable sanitary landfill measures. The project will serve a population of 21,837 people. The primary adverse effects anticipated are leachates and gases generated from solid waste decomposition. Comments made by: EPA, (ELR Order No. 60926.)

Linear Park Block 231, Napa, Napa County, Calif., June 21: This EIS concerns the City of Napa's application for federal funding of the linear park element of the first year Community Development Program. The parcel which is proposed for inclusion within the linear parkway in all of assessor's Block 231 bounded by First Street, Main Street, Second Street, and Napa Creek. Adverse effects of poject implementation include the relocation of nine businesses. Demolition of buildings on the site deemed to be of historical or architectural value would diminish Napa's cultural resources. (ELR Order No. 60920.)

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 INDIAN AFFAIRS

Draft

Navajo-Exxon Uranium Development, San Juan County, New Mexico, June 23: Proposed is the approval of an exploration permit and mining lease which are part of a uranium exploration, mining, and milling agreement negotiated between the Navajo Tribe and the Exxon Corporation. The exploration area is a 400,000 acre tract located on the Navajo Reservation, New Mexico. If uranium ore in sufficient quantities to warrent development is discovered, Exxon is authorized to take a total of 51,200 acres to lease for mining, of which only 5,120 surface acres may be used for mining and milling purposes. Adverse effects of exploration include disturbance of soils and vegetation and air quality degradation. (ELR Order No. 60925.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Tyrone Energy Park Unit 1, Dunn County, Wis., June 24: Proposed is the issuance of a construction permit to the Northern States Power Company for the construction of Tyrone Energy Park located in Dunn County, Wisconsin. The plant will employ a pressurized-water reactor to produce a warranted output of 3411 MWt. A steam turbine generator will use this heat to provide 1194 MWe (net) of electrical power capacity. The exhaust steam will be cooled by a flow of water in a closed-cycle system incorporating mechanical-draft wet cooling towers using makeup water from the Chippewa River. Adverse effects include displacement of 55 residents. (ELR Order No. 60935.)

La Crosse Boiling Water Reactor, Vernon County, Wis., June 25: Proposed is the conversion of Provisional Operating License No. 45 to a full-term operating license for the LaCrosse Boiling Water Reactor operated by the Dairyland Power Cooperative and located on the Mississippi River in Vernon County, Wisconsin. The plant employs one boiling water reactor to produce up to 165 megawatts thermal. A steam turbine-generator uses this heat to provide 50 MW (net) of electrical power capacity. The exhaust steam is cooled by a once-through flow of water obtained from the Mississippi River and discharged to it. (ELR Order No. 60941.)

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 AVIATION ADMINISTRATION

Draft

San Francisco International Airport, Development, San Francisco County, Calif., June 21: Proposed is a major expansion of San Francisco International Airport, in order to accommodate the current and future air passenger demands of that airport. The expansion consists of the following major elements to be completed over the next ten years: improvements to the existing terminal building and the addition of the new North Terminal; addition of new boarding areas and modification of existing boarding areas; additions to the existing parking garage; and modifications to the airfield apron and taxiway system. Adverse effects include an increase in energy consumption and short-term construction impacts. (ELR Order No. 60914.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 54 Improvement, Wichita, Sedgwick County, Kansas, June 24: Proposed is the improvement of 0.7 mile of U.S. 54 highway to six lane freeway standards, from Topeka Avenue east to Lulu Avenue, all in the City of Wichita, Kansas. The improvement will consist of right-of-way acquisition with full control of access, grading, surfacing, bridges, fencing, lighting, signalization, and all other work necessary to complete the facility. Adverse effects include the displacement of 34

homes, five apartment houses, and 15 businesses. (Region 7.) (ELR Order No. 60934.)

Center St. and Mercy Rd. Intersection, Douglas County, Nebr., June 23: The proposed project calls for the improvement of the intersection of Center Street and Mercy Road and also provides access to the Ak-Sar-Ben grounds, Douglas County, Nebraska. The construction includes a viaduct over the Chicago and Northwestern Railroad tracks and Little Papillion Creek on Center Street, a bridge over Little Papillion Creek on Mercy Road with an at-grade crossing at the Chicago and Northwestern tracks, and an intersection providing access to the Ak-Sar-Ben grounds. Adverse effects include the relocation of four mobile homes and five businesses. (Region 7.) (ELR Order No. 60928.)

I-35E, South Jct. I-35 to Jct. T.H. 110, Dakota County, Minn., June 23: Proposed is the building of 13 miles of a four to six lane freeway, designated I-35E, on new alignment through northwestern Dakota County, Minnesota. The proposed action would begin at its interchange with I-35 in Burnsville, pass through the cities of Apple Valley and Eagan, and terminate near its interchange with T.H. 110 in Mendota Heights. Adverse effects include the displacement of 20 to 25 existing homes and 250 to 270 acres of farm land. (Region 5.) (ELR Order No. 60930.)

U.S. WATER RESOURCES COUNCIL

Contact: Mr. Warren D. Fairchild, Director, 2120 L Street, N.W., 8th Floor, Washington, D.C. 20037, 202–254–6303.

Draft

Lower Mississippi Region Comprehensive Study, June 25: Proposed is the approval and adoption of a framework program to be used as a guide for the 50 year (1970–2020) management of water and related land resources in the Lower Mississippi Region in portions of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. If implemented in its entirety, the framework program will help provide a more balanced distribution of the basin's water supply to permit maintenance of economic activity necessary to improve the standard of the region's residents. (ELR Order No. 60943.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–19288 Filed 7–1–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY PANEL FOR REVIEW OF THE LASER ISOTOPE SEPARATION PROGRAM

Establishment

On June 18, 1976, ERDA published in the FEDERAL REGISTER, Vol. 41, No. 119 a Determination to Establish an Advisory Panel for Review of the Laser Isotope Separation Program. Said notice is hereby amended to change: (a) the date for a submission of a report on the findings of the Panel from July 15, 1976, to December 1, 1976, and (b) the duration of the Panel from August 1, 1976, to December 31, 1976.

I hereby certify that these amendments are in the public interest in order for the Panel to conduct its study and deliver a final report.

The Task Force will operate in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92–463), ERDA policy and procedures, OMB Circular No. A–63 (Revised), and other directives and instructions issued in implementation of that Act.

This determination follows consultation with the Office of Management and Budget pursuant to the relevant sections of the Federal Advisory Committee Act and OMB Circular No. A–63 (Revised).

Dated: June 30, 1976.

R. G. ROMATOWSKI,
Advisory Committee Management Officer.

[FR Doc.76–19472 Filed 7–1–76;11:00 am]

TASK FORCE ON DEMONSTRATION PROJECTS AS A COMMERCIALIZATION INCENTIVE

Meeting

JUNE 30, 1976.

In accordance with the provisions of P.L. 92–463 (Federal Advisory Committee Act), the Task Force on Demonstration Projects as a Commercialization Incentive will meet on Tuesday, July 20, 1976, in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. A portion of the meeting is to be a working session concerned with the final report preparation and will be open to the public. It will begin at 1:00 p.m. and end at approximately 4:00 p.m.

In addition to the working session, the Task Force will hold an executive session not open to the public from 9:00 a.m. until 12:00 noon under the authority of Section 10(d) of Public Law 92–463 to exchange opinions pertaining to the final wording of the report of the Task Force. I have determined that it is necessary to close that portion of the meeting from 9:00 a.m. until 12:00 noon to exchange opinions on the final wording of the report, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). Any non-exempt material that may be discussed at the session will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close that portion of the meeting to protect the free interchange of internal views and avoid undue interference with Administration and Task Force operations.

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 the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the report preparation may do so by mailing 12 copies thereof, postmarked no later than July 16, 1976, to the Director, Office of Industry, State and Local Relations, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the report preparation. 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 prepaid telephone call on July 16, 1976, to the Office of Industry, State and Local Relations on (202) 376–4119 between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Task Force and ERDA officials assigned to participate with the Task Force in its deliberations.

(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.76–19473 Filed 7–1–76;11:00 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 572–3; OPP 33000/426]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data,

the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 31, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 23, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/426)

EPA Reg. No. 4828-69. ABCO Incorporated, 230 Industry Blvd., North Huntingdon PA 15642. IMPROVED W.K.-67. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 69.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration.

EPA Reg. No. 4828-77. ABCO Incorporated. WK-94. Active Ingredients: Diethanolamine Salt of 2-(2-Methyl-4-chlorophenoxy) propionic acid 31.00%; Diethanolamine Salt of 2,4-Dichlorophenoxyacetic acid 15.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 904-EUI. B. G. Pratt Div., Gabriel Chemicals, Ltd., 204 21st Ave., Paterson NJ 07509. FENSULFOTHION 15 G CONTAINS DASANIT. Active Ingredients: O,O-Diethyl O-[4-(methylsulfinyl) phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 802-480. The Chas. H. Lilly Co., 7737 N.E. Killingsworth, Portland OR 97218. MILLER'S THIODAN 50W. Active Ingredients: Endosulfan (Hexachlorohexahydromethano - 2,4-3 - benzodioxathiepen oxide) 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 802-452. The Chas. H. Lilly Co. MILLER'S THIODAN 3D. Active Ingredients: Endosulfan (Hexachlorohexahydromethano - 2,4,3-benzodioxathiepin oxide) 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 7173-78. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. CHEMPAR DIURON 28% LIQUID CONCENTRATE. Active Ingredients: Diuron (3,4 - dichlorophenyl) - 1,1-dimethylurea 28%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 239-1355. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond VA 94804. ORTHO THIODAN 3 DUST. Active Ingredients: Endosulfan 3%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 239-1861. Chevron Chemical Co. ORTHO THIODAN 5 DUST. Active Ingredients: Endosulfan 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA File Symbol 3772-GO. Earl May Seed & Nursery Co., North Elm St., Shenandoah IA 51603. EARL MAY CRABGRASS PREVENTER PLUS LAWN FOOD. Active Ingredients: Dimethyl tetrachloroterephthalate 3.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 352-352. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 DuPont Bldg., Wilmington DE 19898. KROVAR I WEED KILLER. Active Ingredients: Bromacil [5-bromo-3-sec-butyl-6-methyluracil] 40%; Diuron [3-(3,4-dichlorophenyl)-1,1-dimethylurea] 40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 352-351. E. I. Du Pont De Nemours & Co., Inc. KROVAR II WEED KILLER. Active Ingredients: Bromacil [5-bromo-3-sec-butyl-6-methyluracil] 53%; Diuron [3-(3,4-dichlorophenyl)-1,1-dimethylurea] 27%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 37265-T. General Chemical Co., 3500 W. Carriage Dr., Santa Ana CA 92704. MINT-KLEEN HOSPITAL STRENGTH DISINFECTANT SANITIZER DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37265-I. General Chemical, Inc. SANO-RINSE HOSPITAL STRENGTH DISINFECTANT SANITIZER DEODORANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37265-A. General Chemical Co. CONCENTRATED GERMICIDE HOSPITAL STRENGTH DISINFECTANT-SANITIZER-DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Sodium carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2393-319. Hopkins Agricultural Chemical Co., Box 584, Madison WI 53701. HOPKINS METHOXYCHLOR TECHNICAL. Active Ingredients: Methoxychlor, Technical 100%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 407-GOI. Imperial, Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL CRABGRASS PREVENTER PLUS LAWN FOOD. Active Ingredients: Dimethyl tetrachloroterephthalate 3.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 2342-851. Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City OK 73120. KM 6-8-6 +0.166%T CONTAINS 0.166% THIMET OR 3.333 POUNDS ACTIVE PER TON FOR USE ON POTATOES. Active Ingredients: Phorate O,O-diethyl S-(ethylthiomethyl) phosphorodithioate 0.166%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2342-845. Kerr-McGee Chemical Corp. KM 7-10-14 +0.50%T CONTAINS 0.50% THIMET OR 10 POUNDS ACTIVE PER TON. Active Ingredients: Phorate O,O-diethyl S-(ethylthiomethyl) phosphorodithioate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2342-522. Kerr-McGee Chemical Corp. FASCO CARDI NON-SELECTIVE WEEDKILLER. Active Ingredients: Diuron 3(3,4-dichlorophenyl) - 1,1 - dimethylurea 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 39054-R. The Lakeland Cash Feed Co., Inc., PO Box 116, Lakeland FL 33802. P-D-Q MINERAL SUPPLEMENT WITH RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.71%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 39054-E. The Lakeland Cash Feed Co., Inc. P-D-Q 20% MINERAL SUPPLEMENT WITH RABON ORAL LARVACIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9327-E. Mixon Milling Co. of Cairo, Inc., 2nd Ave. SE, Cairo GA 31728. BEST MAID 7% VITAMIN FORTIFIER WITH RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.93%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 359–673. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. RHODIA 2,4-D AMINE NO. 6 (UNSEQUESTERED). Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 70.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148–1158. Thompson-Hayward Chemical Co., PO Box 2383, 5200 Speaker Rd., Kansas City KS 66110. DIURON FLOWABLE. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-dimethylurea] 28.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

[FR Doc.76–19134 Filed 7–1–76;8:45 am]

[FRL 572–4; OPP 33000/427]

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Dated: June 25, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP 33000/427)

EPA File Symbol 37141–U. Aim International Chemicals Corp., N. 114, W. 18850. W. Clinton Ave., Germantown WI 53022. GERMA CLEANSE. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chlorides 3.2%; Potassium carbonate 1.5%; N-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonuim chlorides 1.0%; N-alkyl (60% C14, 30% C16, 5% C12, 5 C18) dimethyl benzyl ammonium chlorides 1.0%; Didecyl dimethyl ammonium chlorides 1.0%; Methyldodecylxylylene bis (trimethyl ammonium chloride) 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 34850–G. Bio-Vet, A Div. of BDI, PO Box 666, 21201 Frampton Ave., Harbor City, CA 90710. REVERE'S FLEA & TICK SHAMPOO FOR DOGS. Active Ingredients: Pyrethrins 0.055%; Piperonyl butoxide, technical 0.555%. Method of Support: Application proceeds under 2(c) of intrim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 7405–LL. Chemical Packaging Corp., PO Box 9947, Ft. Lauderdale FL 33310. CHEMI-CAP MULTI-PURPOSE SPACE AND RESIDUAL INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.050%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1660–TU. Chemical Specialties Co., Inc., 51–55 Nassau Ave., Brooklyn NY 11222. DEL FORMULA #2. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 3.00%; Petroleum Distillate 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 7998–T. Chemix Corp., 1141 108th St., Arlington TX 76011. PYRETHROID INSECT SPRAY (OIL BASE CONCENTRATE). Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related Compounds 0.409%; Aromatic petroleum hydrocarbons 3.971%; Petroleum distillate 92.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 7056–30. Chem Spray Aerosols, Inc., 16210 FM 149, Houston TX 77090. CHEM SPRAY SCREEN. Active Ingredients: Pyrethrins 0.25%; Technical Piperonyl Butoxide 0.50%; N-octyl bicycloheptene dicrabroximide 0.05%; Petroleum distillate 8.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 7056–32. Chem Spray Aerosols, Inc. CHEM SPRAY FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.20%; Technical Piperonyl Butoxide 0.72%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.68%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 7056–28. Chem Spray Aerosols, Inc. CHEM SPRAY SCREEN. Active Ingredients: Pyrethrins 0.25%; Technical Piperonyl Butoxide 0.50%; N-octyl bicycloheptene dicarboximide 0.50%; Petroleum distillate 8.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4715–GLG. Colorado International Corp., PO Box 7257, Commerce City CO 80022. DIURON TECHNICAL. Active Ingredients: Diuron: 3-(3,4-dichlorophenyl)-1,1-dimethylurea 97.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 11524–RN. Control Chemical Corp., 2090 Route 110, Farmingdale NY 11735. C–999. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 2620–TR. C–Z Chemical Co., Inc., 1447 Argall Ave., Beloit WI 53511. CZ–12 #563. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 4816–440. FMC Corp., A.C.D. Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. INDUSTRIAL AQUEOUS PRESSURIZED 2.0–0.4. Active Ingedients: Pyrethrins 0.4%; Piperonyl Butoxide, Technical 2.00%; Petroleum Distillate 7.40%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 4816–482. FMC Corp., Agricultural Chemical Div. AQUEOUS PYRENONE GARDEN SPRAY. Active Ingredients: Pyrethrins 0.02%; Piperonyl Butoxide, technical 0.20%; Petroleum distillate 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM17

EPA Reg. No. 352–342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 352–370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA File Symbol 2137–RO. Elkhorn Chemical Co., Inc., 1 Elko Lane, Elkhorn WI 53121. ELKO NO GERM. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate (provides 15.8% available chlorine) 28%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 4035–RN. Marlyn Chemical Co., Inc., Box 166, Lakeview OH 43331. LUMAR PLUS BACTERIOSTAT POWDERED FABRIC SOFTENER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.9%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 5579–01. Miracle Chemicals, 901 University Ave, Grand Forks ND 58201. FRAGRANT CONTAX BOWL CLEANER. Active Ingredients: Hydrogen Chloride 23%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 3125–277. Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 37532–L. Mogul Maintenance Systems, Div. of The Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGUL-CIDE 128ZA. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 524–308. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166. ROUNDUP HERBICIDE. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Amended Registration, PM25.

EPA Reg. No. 1157–42. Moorman Manufacturing Co., 1000 N. 30th St., Quincy IL 62301. MOORMAN'S IGR MINERAL BLOCK. Active Ingredients: methoprene [Isopropyl (*E,E*) - 11 - methozy-3,7,11-trimethyl-2,4-dodecadienoate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Delete Preslaughter withdrawal interval and added use. PM17

EPA Reg. No. 1157–41. Moorman Manufacturing Co. MOORMAN'S GR MINERALS. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM17

EPA Reg. No. 6296–28. Nutrilite Products, Inc., 5600 Beach Blvd., Buena Park CA 90620. BIOTROL 16K WETTABLE POWDER BIOLOGICAL INSECT CONTROL. Active Ingredients: Bacillus thuringiensis Berliner 3.2% Contains 16000 International Units of Potency per milligram of product (25 billion viable spores per gram). Equivalent to 7.26 billion International Units per pound. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 10659–36. Occidental Chemical Co., PO Box 1185, Houston TX 77001. OXY 10–30–10 WITH 0.33% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl S-[(ethylthio)methyl]phosphorodithioate 0.33%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 7001–211. Occidental Chemical Co. BEST LINDANE BORER SPRAY. Active Ingredients: Lindane (Gamma isomer of benzene hexachloride) 20.0%; Xylene 67.6%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA File Symbol 35348–R. Portion-Pac Chemical Corp., Chicago IL. PORTION-PAC FORMULA 900 GERMICIDAL DETERGENT. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Sesquicarbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 9779–197. Riverside Chemical Co., 855 Ridge Lake Blvd., P.O. Box 171199, Memphis TN 38117. RIVERSIDE ST 30. Active Ingredients: 2(thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 3509–RRN. Safe-Way Farm Products Co., Inc., 2519 E. 5th St., Austin TX 78702. MALATHION W-25. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM16

EPA Reg. No. 432–506. S. B. Penick & Co., A Unit of CPC International, Inc., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382 LIQUID SPRAY 0.25%. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 11547–GO. Share Corp., PO Box 9, Brookfield WI 53005. SHARE CORP. FOUR WAY DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) Dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 14819–A. Universal Chemicals & Supplies, Inc., 3043 Walnut St., Denver CO 80205. DISFECT 1000. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 14819–L. Universal Chemicals & Supplies, Inc. ALGI-FECT 3000. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6704–TT. United States Department of The Interior, Fish and Wildlife Service, 18th & "C" Sts., NW, Washington DC 20005. DRC–1339 GULL TOXICANT. Active Ingredients: 3-Chloro-*p*-toluidine hydrochloride 98%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 1043–AO. Vestal Laboratories, Div. of Chemed Corp., 4936 Manchester Ave., St. Louis MO 63110. VRT–32. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 13.0%; N,N-bis [2-omega-hydroxypoly (oxyethylene)] alkyl amines 12.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1043–AT. Vestal Laboratories. VRT–4. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.625%; N,N-bis [a-omega-hydroxypoly (oxyethylene)] alkyl amines 1.500%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1043–AA. Vestal Laboratories. VRT–8. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 3.25%; N,N-bis [2-omega-hydroxypoly (oxyethylene) ethyl] alkyl amines 3.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 15575–RE. Southland Agricultural Chemicals, Box 6207, Montgomery AL 36106. TOXAPHENE 8E. Active Ingredients: Toxaphene 71.00%; Xylene 24.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 6720–EU. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SEVIN 5% BAIT CROP INSECTICIDE. Active Ingredients: Carbaryl (1-napthyl N-methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 6720–255. Southern Mill Creek Products, Co., Inc. SEVIN 5% BAIT CROP INSECTICIDE (PELLETIZED). Active Ingredients: Carbaryl (1-napthyl N-methylcarbmate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 476-ERAT. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. IMIDAN 1-E INSECTICIDE. Active Ingredients: *N*-(mercaptomethyl) phthalimide *S*-(o,o-dimethyl phosphorodithioate) 11.7%; Petroleum Oil 83.6%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 148-926. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. 2,4-D ISOOCTYL ESTER TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic acid 98.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 10873-46. Tifton Chemical Co., PO Box 5, Tifton GA TIFCHEM BIG D TOBACCO DUST. Active Ingredients: Bacillus thuringiensis, Berliner, Potency of 320 International Units per mg. (at least 0.5 billion viable spores per g.) 0.064%; Parathion (0,0-diethyl 0-p-nitrophenylthiophosphate) 1.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 1386-34. United Co-Operatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO TOXAPHENE EMULSIFIABLE CONCENTRATE. Active Ingredients: Toxaphene 60%; Kerosene 35%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 1043-AT. Vestal Laboratories. VRT-2. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethylbenzyl ammonium chloride 0.406%; N,N-bis [a-omega-hydroxypoly (oxyethylene)] Alkylamines 0.375%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 9639-13. Willard Products, PO Box 1249, Redwood City, CA 94063. WILLARD MURIATIC ACID. Active Ingredients: Hydrogen Chloride 31.45%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. Application for reregistration. PM32

EPA File Symbol 1270-ENU. Zep Manufacturing Co., Div. of National Service Industries, Inc., PO Box 2015, Atlanta, GA 30301. ZEP VETO. Active Ingredients: Hydrochloric Acid 5.50%; Phosphoric Acid 22.50%; Methyl Salicylate 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 1270-175. Zep Manufacturing Co. ZEPSECURE. Active Ingredients: n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 3.00%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 3.00%; Tetrasodium ethylene-diamine tetraacetate 2.30%; Sodium metasilicate 0.50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM33

[FR Doc.76-19135 Filed 7-1-76;8:45 am]

[FRL 572-5; OPP 33000/425]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Festicide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 31, 1976. With the exception of 2(c) applicatioins not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 25, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP 33000/425)

EPA File Symbol 26883-RA. American Chemet Corp., P.O. Box 700, E. Helena MT 59635. CHEM COPP 95. Active Ingredients: Cuprous Oxide 94.0%. Method of Support: Applications proceeds under 2(a) of interim policy. PM24

EPA File Symbol 26883-RT. American Chemet Corp. CHEM COPP 93. Active Ingredients: Cuprous Oxide 92.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM24

EPA Reg. No. 4828-39. Aloco, Inc., 230 Industry Blvd., North Huntingdon PA 15642. WK 24-D. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 49.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 10838-A. ConAgra, Inc., Kiewit Plaza, General Office, Omaha NB 68131. HI POW'R RANGE 20 RA MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.087%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 10838-T. ConAgra, Inc. MASTER MINREL RA MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5,-trichlorophenyl) vinyl dimethyl phosphate 1.19%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 10838-I. ConAgra, Inc. CATTLE SUPPLEMENT RA MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.17%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 1421-67. Dettelbach Chemical Corp., 4181 Peachtree Rd., N.E., Atlanta GA 30319. COMET WEED KILLER. Active Ingredients: Alkanolamine Salts (of the ethanol and isopropanol series) of 2,4-Dichlorophenoxyacetic Acid 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 5905-ULU. Helena Chemical Co., 5100 Poplar Ave., Suite 3200, Clark Tower, Memphis, TN 38137. HELENA BRAND 2,4-D LV ESTER 6 LB. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic acid 94.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5905–93. Helena Chemical Co. HELENA BRAND 2,4–D LV ESTER 6. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic acid 94.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 8123–56. Frank Miller & Sons, Inc., 13831 S. Emerald Ave., Chicago IL 60627. AMINE SELECTIVE WEED CONTROL. Active Ingredients: Dimethylamine salt of 2,4-Dicholorophenoxyacetic acid 13.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 11513–U. Nipak, Inc., P.O. Box 2820, Dallas TX 75221. SUPER ENERGY PAK 16–2–3, FERTILIZER PLUS CHLORPYRIFOS. Active Ingredients: Chlorpyrifos [o,o-diethyl o-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.30%. Method of Support: Application proceeds under 2(b) of interim policy. New application. PM12

EPA Reg. No. 10659–37. Occidental Chemical Co., P.O. Box 1185, Houston TX 77001. OXY 10–30–10 WITH 0.40% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl S-[(ethylthio) methyl] phosphorodithioate 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 10659–33. Occidental Chemical Co. OXY 10–30–10 WITH 0.50% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl S-[(ethylthio)methyl] phosphorodithioate 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 10659–39. Occidental Chemical Co. OXY 10–30–10 WITH 0.75% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl S-[(ethylthio)methyl] phosphorodithioate 0.75% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 7001–EGG. Occidental Chemical Co., P.O. Box 198, Lathrop CA 95330. M.A.D. SPECIAL MOSQUITOCIDE S. Active Ingredients: *O,O*-Dimethyl *O*-(3-methyl-4-(methylthio) phenyl phosphorothioate 73.5%; Aromatic Petrolum Distillate 20.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 11620–U. Olsen Chemical Co., 62–64 East 26th St., Paterson NJ 07514. MICRO B1 N2. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 11620–A. Olsen Chemical Co. MICRO B1 N4. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 11620–L. Olsen Chemical Co. MICRO B1 N3. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 1812–97. Parramore & Griffin Co. Inc., P.O. Box 189, Valdosta GA. KLEEN KORN HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 49.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–517. Rhodia Inc., Agricultural Div., P.O. Box 125, Monmouth Junction NJ 08852. RHODIA 24–D AMINE NO. 6 A SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 70.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–548. Rhodia Inc., Agricultural Div. CHIPCO TURF KLEEN. Active Ingredients: Diethanolamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 16.2%; Diethanolamine salt of 2,4-dicholophenoxyacetic acid 16.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–577. Rhodia Inc., Agricultural Div. RHODIA 2,4-D ISOOCTYL ESTER TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–579. Rhodia Inc., Agricultural Div. RHODIA 2,4–D ACID. Active Ingredients: 2,4-dichlorophenoxyacetic acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–584. Rhodia Inc., Agricultural Div. RHODIA 2,4–D BUTYL ESTER (TECHNICAL). Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–657. Rhodia Inc., Agricultural Div. RHODIA TURF FORMULATION 2,4–D/MCPP. Active Ingredients: Diethanolamine Salt of 2,4-dichlorophenoxyacetic acid 25.22%; Diethanolamine salt of 2 - (2-methyl-4-chlorophenoxy) propionic acid 25.16%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–667. Rodia Inc., Agricultural Div. VISKO–RHAP, 2,4–D LOW VOLATILE ESTER 4L. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 67.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–491. Rhodia Inc., Agricultural Div. CHIPCO TURF HERBICIDE 'D'. Active Ingredients: Dimethylamine salt of 2,4 - dichlorophenoxyacetic acid 49.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–461. Rhodia Inc., Agricultural Div. WEEDEZ WONDER BAR. Active Ingredients: Trimethylamine salt of 2,4-dichlorophenoxyacetic acid 18.0%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–177. Rhodia Inc., Agricultural Div. RHODIA 2,4–D LOW VOLATILE ESTER 4L. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 70.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–235. Rhodia Inc., Agricultural Div. RHODIA 2,4–D BUTYL ESTER 6E A SELECTIVE WEED KILLER. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 79.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–331. Rhodia Inc., Agricultural Div. RHODIA 2,4–D AMINE NO. 4. Active Ingredients: Dimethylamine salt of 2,4 - dichlorophenoxyacetic acid 49.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–411. Rhodia Inc., Agricultural Div. RHODIA 2,4–D LOW VOLATILE ESTER 6LA SELECTIVE WEED KILLER. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 94.8%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3468–19. Schall Chemical Inc., Monte Vista & Delta Co., P.O. Box 862 81144. LV–4 WEED KILLER. Active Ingredients: 2-Ethylhexyl (Isooctyl) Ester of 2,4-Dichloro-phenoxyacetic Acid 69.2%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM23

EPA File Symbol 38455–R. Talley Industries of Arizona, Inc., 4551 East McKellips Rd., Mesta AZ 85201. "DWF–1 WATER FILTER" Active Ingredients: Silver (as Elemental Silver) 0.21%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 148–289. Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City KS 66110. DED–WEED ME–9. Active Ingredients: 2,4 - dichlorophenoxyacetic acid butyl ester 76.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148–126. Thompson-Hayward Chemical Co. DED–WEED ME–6. Active Ingredients: 2,4 - dichlorophenoxyacetic acid butyl ester 56.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1624–104. U.S. Borax & Chemical Corp., 3075 Wilshire Blvd., Los Angeles CA 90010. COBEX. Active Ingredients: N3,N3 Diethyl - 2,4 - dinitro-6-trifluoromethyl - m - phenylenediamine 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM24

EPA Reg. No. 1624–104. U.S. Borex Chemical Corp. COBEX. Active Ingredients: N3,N3 Diethyl 2,4 - dinitro-6-trifluoromethyl-m-phenylenediamine 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM24

EPA Reg. No. 769–368. Woolfolk Chemical Works, Inc., E. Main St., Fort Valley GA 31030. SECURITY LAWN KILLER. Active Ingredients: N-Oleyl 1,3-propylene diamine salt of 2,4-Dichlorophenoxyacetic Acid 33.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76–19136 Filed 7–1–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 812]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 28, 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), applications

filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22255–CD–P/ML–76, Pacific Northwest Bell Telephone Company (KRS680), C.P. to reinstate expired facilities operating on 152.84 MHz. at Loc. No. 1: West 501 Second Avenue, Spokane, Washington.

22256–CD–MP–(4)–76, Gulf Mobilphone Alabama, Inc. (KTS206), C.P. to change antenna system operating on 454.075 & 454.125 MHz. and relocate facilities from Loc. No. 2 operating on 454.200 & 454.300 MHz. to Loc. No. 1: First National Bank Bldg., Mobile Alabama.

22258–CD–P–(3)–76, A. H. Geisler d.b.a. Auto Phone Service (KIY508), C.P. for additional Control facilities to operate on 72.94 MHz at Loc. No. 1: 250 North Orange Avenue, Orlando, Florida; for additional facilities to operate on 35.22 MHz. at a new Loc. No. 2: 5905 International Drive; and same facilities at Loc. No. 3: 601 East Altamonte Avenue, Altamonte Springs, Florida.

22260–CD–P–76, Jackson Mobilphone Company, Inc. (New), C.P. for a new station to operate on 152.21 MHz. at Hwy. 22, ¾ mi North of Adamsville, Tennessee.

22261–CD–P–(2)–76, Pats Mobilephone, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz. at Loc. No. 1: 1.3 miles North of Waverly, Tennessee; and same facilities at Loc. No. 2: 1.5 miles W of Public Square, Hwy. No. 120 & Lick Creek Road, Linden, Tennessee.

22262–CD–P–(3)–76, RCC of Virginia, Inc. (KLF517), C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.15, 454.275 & 454.325 MHz. to 1932 East Pembroke Avenue, Hampton, Virginia.

22264–CD–P–(2)–76, Mobile Phone of Texas, Inc. (KWH316), C.P. for additional Repeater facilities to operate on 459.350 MHz at Loc. No. 1: 6.8 miles southwest of Merkel; and additional Control facilities at a new Loc. No. 3: 1129½ North Second Street, Abilene, Texas.

22265–CD–MP–76, Peoples Telephone Company, Inc. (KUS361), C.P. to replace transmitter operating on 152.84 MHz. located near Alabama Hwy. No. 68, 2 miles NW of Leesburg, Alabama.

22266–CD–P–76, Telegraph-Herald, Inc. (KRS641), C.P. for additional facilities to operate on 152.06 MHz. located 1.6 miles north of Illinois-Wisconsin border, on Highway 34, Kieler, Wisconsin.

22267–CD–P–76, Communications Equipment & Service Company (KQZ768), C.P. for additional facilities to operate on 158.70 MHz. located at 1010 College Road, Fairbanks, Alaska.

22268–CD–P–76, Airsignal International, Inc. (KAF245), C.P. to relocate facilities operating on 43.58 MHz. at Loc. No. 5: Ramada Inn, I–35 & 87th Street, Overland Park, Kansas.

22299–CD–TC–(2)–76, Radio Dispatch Corporation Consent to Transfer of Control from Robert H. Stopher, Receiver, Transferor to Radio Dispatch Corporation, Transferee. Stations: KMD992 & KSV928, Pomona, California.

22300–CD–TC–(3)–76, Minnesota Communications Corp. Consent to Transfer of Control from John P. Bonner, Transferor to Jean A. Poole, Transferee. Stations: KDN408 and KUC949, Minneapolis, Minnesota; KSV993, St. Louis Park, Minnesota.

22301–CD–P–(4)–76, Mobilfone of Northwestern Pennsylvania, Inc. (KGC404), C.P. to change antenna system operating on 454.025, 454.300, 454.125 & 454.325 MHz. located at WNEP–TV Tower, Bald Mountain, Scranton, Pennsylvania.

22302–CD–P/ML–76, Telephone Answering Service of Fayetteville, Inc. (KIY778), C.P. to change antenna system operating on 152.06 MHz. located at 727 McGilvary Street, Fayetteville, North Carolina.

22303–CD–P–(2)–76, Communications Electronics Center, Inc. (KUS338), C.P. for additional Control facilities to operate on 454.100 MHz. at Loc. No. 1: Corner Smiley Street and Oak Drive, Colquitt, Georgia; and additional facilities operating on 152.24 MHz. at a new Loc. No. 2: Jester Street, Bainbridge, Georgia.

22304–CD–P–(3)–76, Communications Electronics Center, Inc. (New), C.P. for a new station to operate on 152.15 MHz, Base and 459.275 MHz., Repeater at Loc. No. 1: Jester Street, Bainbridge, Georgia; and Control facilities operating on 454.275 MHz. at Loc. No. 2: Corner of Smiley Street and Oak Drive, Colquitt, Georgia.

22305–CD–MP–76, Roy M. Reel, d/b/a Houston Radiophone Service (KWU251), C.P. to relocate facilities, change antenna system and replace transmitter operating on 43.58 MHz. located at 6222 Skyline Drive, Houston, Texas.

22306–CD–P/ML–76, Telephone Answering Service of Fayetteville, Inc. (KUC909), C.P. to change antenna system operating on 152.54 MHz. located at 727 McGilvary Street, Fayetteville, North Carolina.

22307–CD–P/ML–76, Telephone Answering Service of Fayetteville, Inc. (KIE363), C.P. to change antenna system operating on 152.03 MHz. located at 727 McGilvary Street, Fayetteville, North Carolina.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4166–CF–P–76, The Ohio Bell Telephone Company (KQH48), Application for Consent to Assignment of Radio Station License from the Ohio Bell Telephone Company, Assignor, to General Telephone Company of Ohio, Assignee, for station KQH48, Bryan, Ohio.

4169–CF–P–76, Pacific Northwest Bell Telephone Company (KTR39), Pinecreek, 11 Miles WNW. of Drewsey, Oregon. Lat. 43°50'34" N., Long. 118°35'11" W. C.P. to replace transmitters and increase power output for frequency 5937.8V MHz toward Harney, Oregon via Craft Passive Reflector.

4170–CF–P–76, Same (KTR38), Harney, 4.7 Miles WNW of Crane, Oregon. Lat. 43°26'15" N., Long. 118°40'01" W. C.P. to increase tower height, replace transmitters and increase power output for frequencies 6189.8V MHz. toward Pinecreek, Oregon via Craft Passive Reflector, and 6204.7H MHz. toward Jack, Oregon.

4171–CF–P–76, Same (KTR37), Jack, 6.5 Miles North of Frenchglenn, Oregon. Lat. 42°55'16" N., Long. 118°54'21" W. C.P. to replace transmitters and increase power output for frequencies 5952.6H MHz toward Harney, Oregon, and 5937.8H MHz. toward Alvord Lake, Oregon via Steens Passive Reflector.

4172–CF–P–76, Same (KTR36), Alvord Lake, 4 Miles SSW. of Andrews, Oregon. Lat. 42°24'41" N., Long. 118°37'47" W. C.P. to replace transmitter and increase power output for frequency 6189.8H MHz toward Jack, Oregon via Steens Passive Reflector.

4177–CF–R–76, New Jersey Bell Telephone Company (KYC24), Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring July 29, 1976. Term: July 29, 1976 to July 29, 1977.

4178–CF–P–76, United Telephone Mutual Aid Corporation (New) State Hwy. No. 20, Munich, North Dakota. Lat. 48°40'00" N., Long. 98°50'28" W. C.P. for a new station on frequencies 2162V MHz. toward Langdon North Dakota on azimuth 73.25°; 2170H MHz. toward Rock Lake, North Dakota on azimuth 294.99°; 2178V MHz. toward Sarles, North Dakota on azimuth 339.4°.

4179–CF–P–76, Same (New), 411 Seventh Avenue, Langdon, North Dakota. Lat. 48°45'34" N., Long. 98°22'13" W. C.P. for a new station on frequency 2112V MHz. toward Munich, North Dakota on azimuth 253.6°.

4180–CF–P–76, Same (New), Central Office, Rock Lake, North Dakota, Lat. 48°47'28" N., Long. 99°14'12" W. C.P. for a new station on frequency 2120H MHz. toward Munich, North Dakota on azimuth 114.7°.

4181–CF–P–76, Same (New) Central Office, Sarles, North Dakota. Lat. 48°56'46" N., Long. 99°00'03" W. C.P. for a new station on frequency 2128V MHz. toward Munich, North Dakota on azimuth 159.25°.

4192–CF–P–76, South Central Bell Telephone Company (KJD27), 1.8 Miles SW. of Richmond, Kentucky. Lat. 37°43'28" N., Long. 84°18'37" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3750 3930 MHz. toward Winchester, Kentucky.

4174–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 increase antenna structure height, and add a point of communication on frequency 2120.0V MHz. toward a new station at Tombstone, Arizona on azimuth 129.9°.

4175–CF–P–76, Same (New), 9 North Third Street, Tombstone, Arizona. Lat. 31°42'53" N., Long. 110°04'02" W. C.P. for a new station on frequency 2170.0V MHz. toward Benson, Arizona on azimuth 310.1°.

4211–CF–P–76, Northwestern Bell Telephone Company (WAU209), 509 Main Street, Ames, Iowa. Lat. 42°01'32" N., Long. 93°-36'51" W. C.P. to increase antenna structure height and move antenna for frequency 6241.7V MHz. toward Boone, Iowa on azimuth 316.3°.

4213–CF–P–76, Navajo Communications Co., Inc. (WCZ38), 1.5 Miles from Jct. of Hwys. 164 and 464, Kayenta, Arizona. Lat. 36°43'-42" W. C.P. to add a point of communication on frequency 2176.8H MHz. toward Hunts Mesa, Arizona on azimuth 47.5°.

4214–CF–P–76, Same (New), Hunts Mesa, 16 Miles NE. of Kayenta, Arizona. Lat. 36°53'-31" N., Long. 110°02'02" W. C.P. for a new station on freqeuncies 2176.8H MHz. toward Kayenta, Arizona on azimuth 227.7° and 2176.8H MHz. toward Halchita, Utah on azimuth 28.7°.

4215–CF–P–76, Same (New), Halchita, 1.7 Miles SW of Mexican Hat, Utah. Lat. 37°-07'54" N., Long. 109°53'00" W. C.P. for a new station on frequency 2126.8H MHz. toward Hunts Mesa, Arizona on azimuth 206.8°.

4219–CF–P–76, Standard Telephone Company (New), Sycamore and School Streets, Young Harris, Georgia. Lat. 34°55'50" N., Long. 83°51'01" W. C.P. for a new station on frequency 2175.4H MHz. toward Gumlog Mtn., Georgia on azimuth 102.5°.

4220–CF–P–76, Same (New), Gumlog Mtn., 4 Miles West of Young Harris, Georgia Lat. 34°56'35" N., Long. 83°54'56" W. C.P. for a new station on frequency 2125.4H MHz. toward Young Harris, Georgia on azimutr 282.5°.

4069–CF–P–76, Addison Home Telephone Company (New), 1 Mile North of Addison, New York. Lat. 42°07'19" N., Long. 77°14'-05" W. C.P. for a new station on frequency 2128.0H MHz. toward Woodhull, New York on azimuth 244.5°.

4070–CF–P–76, Same (New), 1.3 Miles SSE of Woodhull, New York. Lat. 42°03'45" N., Long. 77°24'07" W. C.P. for a new station on frequencies 2178.0H HMz. toward Addison, New York on azimuth 64.4°, and 2171.6V MHz. toward Troupsburg, New York on azimuth 285.4°.

4071–CF–P–76, Same (New), 0.9 Mile NNE. of Troupsburg, New York. Lat. 42°03'15" N., Long. 77°32'17" W. C.P. for a new station on frequencies 2121.6V MHz. toward Woodhull, New York on azimuth 85.3°, and 2115.6H MHz. toward Whitesville, New York on azimuth 260.6°.

4273–CF–P–76, United Wehco, Inc. (KEX58), 5.0 Miles WNW of Kilgore, Texas. Lat. 32°-24'39" N., Long. 94°56'16" W. C.P. to add frequency 6286.2V, via power split, towards Gladewater, Texas on azimuth 16.3 degrees.

4197–CF–P–76, United Video, Inc. (New), 4.2 Miles NW. of Garnett, Kansas. La. 38°17'-46" N., Long. 95°16'81" W. C.P. for a new station on 6212.0V, 6330.7V and 6390.0V MHz towards Iola, Kansas on azimuth 195°8'.

4198–CF–P–76, Same (New), 1.1 Mile North of Iola, Kansas. Lat. 37°56'47" N., Long. 95°23'43" W. C.P. for a new station on 5989.6V, 6049.0V and 6197.6V towards Erie and Humboldt, Kansas on azimuths 158° and 182.3°, respectively.

4199–CF–P–76, Same (New), 1.0 Miles East of Erie, Kansas. Lat. 37°34'25" N., Long. 95°-13'10" W. C.P. for a new station on 6212.-0H, 6330.7H and 6390.0H towards Parsons, Kansas on azimuth 181°.

4200–CF–P–76, Same (New), 3.0 Miles South of Parsons, Kansas. Lat. 37°17'58" N., Long. 95°15'16" W. C.P. for a new station on 6049.0H and 6167.6H towards Coffeyville, Kansas on azimuth 233.1°.

(NOTE.—These stations formerly licensed to Mid-American Microwave, Inc. and and currently operated under special temporary authority by General Communications, Inc.)

4281–CF–P–76, Eastern Microwave, Inc. (New), Intersection of St. Route 611 & 73, Elkins Park, Pennsylvania. Lat. 40°05'16" N., Long. 75°07'43" W. C.P. for a new station on 6152.8H towards Vineland, New Jersey via power split on azimuth 175° and 6152.8V towards Philadelphia MDS, Pennsylvania via power split, on azimuth 214.5°.

4271–CF–P–76, United States Transmission Systems, Inc. (WBA824) 2 Peachtree St., Atlanta, Georgia. Lat. 33°45'14" N., Long. 84°23'25" W. C.P. to change station to the above.

4188–CF–P–76, Southern Pacific Communications Company (WAU258) 2.9 Miles SE of Sparta, New Jersey. Lat. 41°00'36" N., Long. 74°35'39" W. C.P. to add 3750V and 3830V towards Empire State Bldg., New York, New York on azimuth 119.4°.

4189–CF–P–76, Same (WOE27), 5th Ave. at 34th Street, Empire State, New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. to add 4030V and 4110V towards Sparta, New Jersey on azimuth 299.8°.

Company (New), 0.9 Mile South of Whitesville, New York. Lat. 42°01'31" N., Long. 77°46'12" W. C.P. for a new station on frequency 2165.2H MHz toward Troupsburg, New York on azimuth 80.4°.

[FR Doc.76–19258 Filed 7–1–76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on August 17, 1976, the TV and FM translator applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(d) and 1.519(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 August 16, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on August 16, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator 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: June 23, 1976.

Released: July 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT–327	New, San Diego, Calif. Donald C. McBain, Milford W. Noe, Richard D. Russell doing business as Translator Services Req: Channel 257, 99.3 MHz, 1 W Primary: KFAC(FM), Los Angeles, Calif.
BPFT–328	New, Aztec and Bloomfield, N. Mex. Radio San Juan, Inc. Req: Channel 285, 104.9 MHz, 10 W Primary: KRSJ(FM), Durango, Colo.
BPFT–329	New, Dunsmuir and Mt. Shasta, Calif. Northern California Communications Corp. Req: Channel 288, 105.5 MHz, 10 W Primary: KVIP(FM), Redding, Calif.
BPFT–330	New, Panguitch, Utah Panguitch Lions Club Req: Channel 257, 99.3 MHz, 10 W Primary: KBRE(FM), Cedar City, Utah

UHF TV TRANSLATOR APPLICATIONS

BPTT–3014	New, North Kenai, Alaska Alaska Public Television, Inc. Req: Channel 48, 10 W Primary: KAKM(TV), Anchorage, Alaska
BPTT–3015	New, Sunetha and Nutria, Colo. XYZ Television, Inc. Req: Channel 66, 20 W Primary KREZ(TV), Durango, Colo.
BPTT–3016	New, Fore Pass and Blue River Valley, Colo. Moffat County Req: Channel 56, 100 W Primary: KBTV(TV), Denver, Colo.
BPTT–3018	New, Mansfield, Ohio Ohio Educational Television Network Commission Req: Channel 47, 1,000 W Primary: WOSU(TV), Columbus, Ohio
BPTT–3020	New, Loudonville, Ohio Ohio Educational Television Network Commission Req: Channel 65, 100 W Primary: WOUC(TV), Cambridge, Ohio
BPTT–3021	New, Millersburg, Ohio Ohio Educational Television Network Commission Req: Channel 69, 100 W Primary: WOUC(TV), Cambridge, Ohio
BPTT–3023	K70DF, Running Springs, Calif. San Bernardino County Superintendent of Schools Req: To change primary TV station to KCET, Los Angeles, Calif.
BPTT–3024	K75BK, Victorville, Calif. San Bernardino County Superintendent of Schools Req: To change primary TV station to KCET, Los Angeles, Calif.

BPTT-3025 New, Newark, Ohio
Ohio Educational Television Network Commission
Req: Channel 31, 1,000 W
Primary: WOSU(TV), Columbus, Ohio

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5590 New, Camp Lonely, Alaska
Midnight Sun Broadcasters, Inc.
Req: Channel 7, 10 W
Primary: KENI(TV), and KTVA(TV), Anchorage, and KFAR(TV), and KTVF(TV), Fairbanks, Alaska

BPTTV-5591 New, Atlantic Richfield Company, Base Camp, Prudhoe Bay, Alaska
Midnight Sun Broadcasters, Inc.
Req: Channel 10, 10 W
Primary: KENI(TV), and KTVA(TV), Anchorage, and KFAR(TV), and KTVF(TV), Fairbanks, Alaska

BPTTV-5593 K04AO, Delores, Colo.
Four Corners TV Club
Req: To change frequency to 76-82 MHz, channel 5

BPTTV-5594 K10BY, Monument, Oreg.
Monument TV, Inc.
Req: To change frequency to 186-192 MHz, channel 9

BPTTV-5595 New, Monument, Oreg.
Monument TV, Inc.
Req: Channel 11, 1 W
Primary: KBCI(TV), Boise, Idaho

BPTTV-5596 New, Monument, Oreg.
Monument TV, Inc.
Req: Channel 13, 1 W
Primary: KIVI(TV), Nampa, Idaho

BPTTV-5597 New, Garrison, Utah and Baker, Nev.
Millard County
Req: Channel 7, 10 W
Primary: KUED(TV), Salt Lake City, Utah

BPTTV-5598 New, Garrison, Utah and Baker, Nev.
Millard County
Req: Channel 9, 10 W
Primary: KUTV(TV), Salt Lake City, Utah

BPTTV-5599 New, Garrison, Utah and Baker, Nev.
Millard County
Req: Channel 11, 10 W
Primary: KTVX(TV), Salt Lake City, Utah

BPTTV-5600 New, Garrison, Utah and Baker, Nev.
Millard County
Req: Channel 13, 10 W
Primary: KSL-TV, Salt Lake City, Utah

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5601 New, Capitan's Bay, 2 miles south of Unalaska, Alaska, Unalaska City School District
Req: Channel 8, 1 W
Primary: KYUK(TV), Bethel, Alaska

BPTTV-5602 New, Cottonwood Cove, Nev.
Don D. Tobey
Req: Channel 6, 1 W
Primary: KOOL(TV), Phoenix, Ariz.

BPTTV-5603 New, Cottonwood Cove, Nev.
Don D. Tobey
Req: Channel 11, 1 W
Primary: KTVK(TV), Phoenix, Ariz.

BPTTV-5604 New, Cottonwood Cove, Nev.
Don D. Tobey
Req: Channel 13, 1 W
Primary: KLAS(TV), Las Vegas, Nev.

BPTTV-5605 New, Rexford and Fortine, Mont.
Rexford-Marston TV District
Req: Channel 5, 10 W
Primary: KPAX(TV), Missoula, Mont.

ERRATA

VHF TRANSLATOR APPLICATIONS

The following entries appeared on the Public Notice (63808) released April 21, 1976, listing translator applications which would be considered as ready and available for processing on June 8, 1976:

BPTTV-5486
New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 2, 5 W
Primary: KUTV(TV), Salt Lake City, Utah

BPTTV-5487
New, Granter, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 4, 5 W
Primary: KCPX-TV, Salt Lake City, Utah

BPTTV-5488
New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 5, 5 W
Primary: KSL-TV, Salt Lake City, Utah

These entries are corrected to read as follows:

BPTTV-5486
New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 7, 5 W
Primary: KUTV(TV), Salt Lake City, Utah

BPTTV-5487
New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 6, 5 W
Primary: KTVX(TV), Salt Lake City, Utah

BPTTV-5488
New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service
Req: Channel 3, 5 W
Primary: KSL-TV, Salt Lake City, Utah

[FR Doc.76-19258 Filed 7-1-76;8:45 am]

FCC SCHEDULES ADDITIONAL RCC—TELEPHONE INTERCONNECTION

Meetings

JUNE 25, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

The meetings will be held on July 12 and 13, 1976. The July 12 meeting will be held in Room 8210 of the Commission's offices at 2025 M Street, N.W. Washington, D.C. at 9:30 a.m. The July 13 meeting will be held in the offices of the U.S. Independent Telephone Association, 1801 K Street, N.W., Suite 1201, Washington, D.C. (enter L Street entrance) at 9:00 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632-6400 on the morning of each meeting to verify the room location and time.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-19259 Filed 7-1-76;8:45 am]

[Docket No. 20039; FCC 76-581]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Terminating Proceeding

In the matter of the Western Union Telegraph Company, Revisions to Western Union Tariffs F.C.C. No. 229 (Money Order Service), 240 (Telex Service), 255 (Public Message Telegraph Service), and 258 TWX Service), Docket No. 20069.

1. On April 1, 1974, The Western Union Telegraph Company filed revisions to its interstate Money Order, Telex, Public Message Telegraph, and Teletypewriter Exchange (TWX) tariffs which were to become effective generally on June 1, 1974 (although certain revisions were to become effective on December 1, 1974). By a Memorandum Opinion and Order adopted on May 29, 1974,[1] the Commission observed that the foregoing tariff revisions may be justified on the basis of Western Union's then current known overall pre-tax return on investment from all its Public Message Services (5.5 percent in 1973) and from its Integrated Record Message Services (5.3 percent in 1973).[1a] The Commission, nevertheless, concluded that "the magnitude, scope and nature of these proposed rate increase and other tariff revisions present questions of lawfulness * * *." Consequently, the Commission designated the revised tariff schedules for investigation, suspended the effective date of the revisions for one day, and entered an accounting order providing for possible refund.[2] Rather than proceeding immediately with an investigation, the Commission decided to wait until the proceeding in Docket No.

[1] See 39 FR 29967.
[1a] 47 FCC 2d 529 (1974).
[2] The Commission subsequently amended the accounting order by making it applicable only to Telex and TWX rather than applying also to Public Message Telegraph and Money Order. 48 FCC 2d 445 (1974).

19696 concluded. Docket No. 19696 basically dealt with increased charges for Telex and TWX. The lawfulness of Western Union's April 1, 1974, revisions was to be assessed on the basis of and subsequent to the final determinations in Docket No. 19693.[3] The Initial Decision of the Administrative Law Judge in Docket No. 19696 was issued on August 15, 1974. He found, *inter alia*, that Western Union's proposed rate increases for Telex and TWX service were not unjust and unreasonable because, among other things, the Telex, TWX, and combined Telex-TWX pre-tax rates of return were less than the last prescribed pre-tax rates of return for these services, and because Western Union's deficiency in overall earnings, due primarily to losses in Public Message Service, required revenue relief.[4] No exceptions or appeals were taken from the Initial Decision, and thus it became the final decision.[5]

2. We now see no reason for proceeding with an investigation in Docket No. 20069. Western Union's overall actual rate of return has not improved substantially since 1973. Western Union reported its overall pre-tax rate of return as 6.5 percent for 1975. Moreover, it is undisputed that Western Union's April 1, 1974, tariff revisions will not raise Western Union's overall earnings beyond a reasonable rate of return.[6] We also have reexamined the reasons which caused us to designate the tariff revisions for investigation in the first instance, and have concluded that we improvidently designated the revisions for investigation.

Accordingly, it is ordered, That Docket No. 20069 is terminated;

It is further ordered, That the accounting order in effect in Docket No. 20069 is terminated.

Adopted: June 18, 1976.

Released: June 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[7]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-19260 Filed 7-1-76;8:45 am]

[3] 47 FCC 2d 529 (1974).

[4] 49 FCC 2d 532, 550 (1974).

[5] See § 1.276 of the Commission's rules.

[6] In 1958, we prescribed an overall rate of return for Western Union ranging from 7.5 to 8.0 percent. Without determining whether that range remains just and reasonable in the light of intervening circumstances, we nevertheless note that Western Union's actual overall return is below the range.

[7] Commissioner Hooks dissenting and issuing a statement which is filed as part of the original document.

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 356, June 15, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		610 kHz							
CJOX (now in operation)	Grand Bank, Newfoundland, N. 47°05'45", W. 55°47'00".	10	DA-2	U	III	----------			
		710 kHz							
CKVO (now in operation)	Clarenville, Newfoundland, N. 48°-08'36", W. 53°57'44".	10	DA-1	U	II	----------			
		710 kHz							
CJOX (delete assignment—vide 610 kHz).	Grand Bank, Newfoundland, N. 47°05'45", W. 55°47'00".	1	DA-1	U	II	----------			
		930 kHz							
CKNS (assignment of call letters).	Espanola, Ontario, N. 46°14'29", W. 81°46'36".	10	DA-N ND-D-186.5	U	III	----------			
		1060 kHz							
CFCN (PO 1060 kHz, 50 kW, DA-2).	Calgary, Alberta, N. 50°54'12", W. 114°03'30".	50	*DA-N ND-D-836*	U	II	----------			E.I.O., June 15, 1977.
		1370 kHz							
CFLV (correction to coordinates in recapitulative list).	Valleyfield, Quebec, N. 45°12'50", W. 74°09'20".	10D/5N	DA-1	U	III	----------			
		1490 kHz							
CJSN (inadvertently omitted from recapitulative list).	Shaunavon, Saskatchewan, N. 49°-38'29", W. 108°29'21".	1D/0.25N	ND-190	U	IV	165	120	264	

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-19372 Filed 7-1-76;8:45 am]

FEDERAL COUNCIL ON THE AGING

SENIOR SERVICES COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of Older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Senior Services Committee will meet on July 22 and 23, 1976 from 9:30 a.m. to 4 p.m., in Room 4559, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. The agenda will consist of: Development of Recommendations for a Senior Services System; Review of Recommendations for Services for the Frail Elderly and Critique of 1971 White House Conference on Aging Recommendations.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 28, 1976.

[FR Doc.76-19206 Filed 7-1-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of June 11 Through June 18, 1976

Notice is hereby given that during the week of June 11 through June 18, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the appli-

cation within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: June 28, 1976.

MICHAEL F. BUTLER,
General Counsel.

Appendix

Date	Name and location of applicant	Case No.	Type of submission
June 11, 1976...	Southwestern Refining Co., Inc., Corpus Christi, Tex. (If granted: Southwestern Refining Co., Inc., would receive an exception from the old oil entitlements program and its crude oil runs to stills would not be reduced by a factor related to its production of residual fuel oil.)	FEE-2577	Exception to the old oil entitlements program.
June 14, 1976...	Babcock & Wilcox, New York, N.Y. (If granted: Babcock & Wilcox would be granted a 3-mo extension of the exception relief granted in FEA's June 13, 1975, decision and order.	FEE-2581	Extension of FEA's exception relief in Babcock & Wilcox, 2 FEA par. 83,177 (June 13, 1975).
Do.....	Border Aircraft, Inc., Brownsville, Tex. (If granted: Border Aircraft, Inc., would receive an increase in its base period use of aviation fuel.)	FEE-2643	Exception to increase its base period use.
Do.....	Damson Oil Corp., Houston, Tex. (If granted: Crude oil produced from the Venice Beach lease would be sold at upper tier ceiling prices.)	FEE-2583	Price exception (sec. 212.74).
Do.....	Charles W. Deisler (Lakota), Westchester, Ohio. (If granted: Charles W. Deisler d.b.a. Lakota Carry Out would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Pipeline Oil Co.	FEE-2582	Exception to change supplier.
Do.....	Exxon Co., U.S.A., Houston, Tex. (If granted: FEA's May 28, 1976, redirection of surplus order would be rescinded and Exxon Co., U.S.A., would not be required to supply Triangle Refineries, Inc., with 500,000 bbl of motor gasoline.)	FEA-0858	Appeal of FEA's May 28, 1976, order.
Do.....	Granger Oil Co., Inc., Overland Park, Kans. (If granted: Granger Oil Co., Inc., would be assigned a new, lower priced supplier of motor gasoline for its Beto Junction Truck Plaza to replace its base period supplier, Texaco, Inc.)	FEE-2584	Exception to change supplier.
Do.....	Sun Oil Co. (Belle Isle), Dallas, Tex. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products produced at its Belle Isle plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2578	Price exception (sec. 212.165).
Do.....	Sun Oil Co. (Sun), Dallas, Tex. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products produced at its Sun (Texas) plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2579	Do.
Do.....	Sun Oil Co. (Wakita), Dallas, Tex. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products produced at its Wakita plant to reflect nonproduct cost increases in excess of $0.005/gal.	FEE-2580	Do.
June 15, 1976...	Lehigh Oil Co. (If granted: FEA's interpretation issued by region I on May 10, 1976, would be rescinded and BP Oil Co. would be required to supply motor gasoline to Lehigh Oil Co.'s retail outlets.)	FEA-0859	Appeal of region I's May 10, 1976 interpretation.
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its following natural gas plants; Burnell, Cow Island, Desdemona, Dollarhide, Electric, Elwood Gas, Exxon Camargo, Greely, Gulf-Knox, Chevron Kermit, Chitwood, Cities Service, Hickok, Kettleman, La Gloria, Lisbon, Nueces River, Paloma, Phillips-Bradley, Lostie Hough, Putnam Oswego, R. M. Stephens, Rio Bravo, Sholem Alchem, Slaughter, South Sarepta, Union Adena, Vanderbilt, and West Seminole.)	FEE-2585—FEE-2613	Price exceptions (sec. 212.165).
Do	OKC Corp., Washington, D.C. (If granted: FEA's June 14, 1976, decision and order would be modified to equalize OKC Corp.'s monthly entitlement position during the period April through September 1976.)	FEX-0051	Supplement to FEA's exception decision and order in OKC Corp., 3 FEA par. ——— (June 14, 1976).
Do	Petronomics, Inc., Houston, Tex. (If granted: Crude oil produced by Petronomics, Inc., would be sold at exempt prices.)	FEE-2614	Price exception (sec. 212.72).
Do.....	U.S. Geolgical Survey, Denver, Colo. (If granted: M. J. Mitchell would be required to pay royalties to the United States to account for the sale at upper tier ceiling prices of certain crude oil produced from the Pickrel Ranch Field.)	FEA-0850	Appeal of FEA's exception decision and order in M. J. Mitchell, 3 FEA par. 83,146 (Apr. 2, 1976).
Do.....	USA Petroleum Corp., Santa Monica, Calif. (If granted: USS Petroleum Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, UCO Oil Co.)	FEE-2616	Exception to change supplier.
June 16, 1976 ..	Gulf Oil Corp. (Azalea), Tulsa, Okla. (If granted: Gulf Oil Corp. would be permitted to increase its prices for natural gas liquid products produced at its Azalea plant to reflect nonproduct cost increases in excess of $0.005/gal.	FEE-2615	Price exception (sec. 212.165).
Do.....	Gulf Oil Corp., Tulsa, Oklahoma. (If granted: Gulf Oil Corp. would be permitted to increase its prices for natural gas liquid producers to reflect non product cost increases in excess of $0.005/gal. at its following natural gas plants: Bluebell, Breckenridge, Chesterville, Como, Diamond "M", Encinal, Eunice, Fannett, Fashing, Fuller, Gladeqater, Hennessey, Houston Central, Knox, Krotz Springs, Lake Washington, Maysville, McLean, Mermentan, Milfay, Mocane, Mcnahans, Monument, Moore's Orchard, Moorland, Paloma, Sand Hills, Saunders, Shackleford, Slaughter, Snymer, Spear, Terrebonne, Vada, Venice, Waddell, and Yates.)	FEE-2646—FEE-2682	Do.

Date	Name and location of applicant	Case No.	Type of submission
Do	Lewis County, Wash., Chehalis, Wash. (If granted: Lewis County, Washington, would receive a stay of the requirements of FEA's region 10 interpretation issued to the firm on Apr. 27, 1976, pending a final determination of its appeal from that interpretation.)	FES-0849	Stay request.
Do	Taft, Stettinius & Hollister, Cincinnati, Ohio. (If granted: Taft, Stettinius & Hollister would receive access to portions of documents whose release was denied and which were requested in the firm's Feb. 23, 1976, letter.)	FEA-0860	Appeal of FEA's information request denial.
June 17, 1976	Arapaho Petroleum, Inc., Breckenridge, Tex. (If granted: Arapaho Petroleum, Inc., would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2636	Price exception (sec. 212.165).
Do	Atlantic Richfield Co., Dallas, Tex. (If granted: Atlantic Richfield Co. would receive an extension of the price relief granted in FEA's Apr. 16, 1976, decision and order to the following natural gas plants: Covington, Crane, Dayton, Drumright, East Village Mills, Eldorado, Hull, Longview, Midland, Nueces River, Ojai Timber, Rivertown Dome, Seminole, Silsbee, South Hampton, Stevens-Calidon, Taft, and Price.)	FEE-2617—FEE-2634	Extension of exception relief in Atlantic Richfield Co., 3 FEA par. 83,167 (Apr. 16, 1976).
Do	Batzell, Nunn & Bode, Washington, D.C. (If granted: FEA's June 1, 1976, information request denial would be rescinded and Batzell, Nunn & Bode would receive access to documentary information connected with the transfer of authority from the Oil Import Appeals Board to the FEA Office of Exceptions and Appeals.)	FEA-0861	Appeal of FEA's information request denial.
Do	Breckenridge Gasoline Co., Breckenridge, Tex. (If granted: Breckenridge Gasoline Co. would be permitted to increase its prices for natural gas liquid products produced at its Eliasville and Lodi plants to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2637	Price relief (sec. 212.165).
Do	Dunham Air Service, Franklin, Pa. (If granted: Dunham Air Service would be granted an increase in its base period use of aviation fuel.)	FEE-2638	Allocation relief (sec. 211.12).
Do	Husky Oil Co. of Delaware, Denver, Colo. (If granted: Husky would be relieved of its obligation to purchase entitlements due to the revocation of special rule No. 6.)	FEX-0052	Supplemental order, Husky Oil Co., 3 FEA par. ——— (June 14, 1976).
Do	Jarrell Truck Plaza, Doswell, Va. (If granted: FEA's region III, Apr. 7, 1976, decision and order would be rescinded and Jarrell Truck Plaza would be assigned a base period supply volume and Exxon as a base period supplier of motor gasoline for a new service station at Doswell, Va.)	FSG-0025	Request for special redress.
Do	Monoco Oil Co., Inc., Pittsford, N.Y. (If granted: Monoco Oil Co., Inc., would receive an exception from the old oil entitlements program.)	FEE-2639	Exception from the old oil entitlements program (sec. 211.67).
Do	Shell Oil Co., Houston, Tex. (If granted: The entitlement notice for March 1976 would be amended to to reflect the elimination of special rule No. 6 and Shell Oil Co.'s entitlement purchase obligations in that month would be reduced.)	FEA-0862	Appeal of FEA's March 1976 entitlement notice.
Do	Terrible Herbst, Inc., Washington, D.C. (If granted: Terrible Herbst, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Fletcher Oil & Refining Co.)	FEE-2635	Exception to change supplier (sec. 211.9).
June 18, 1976	Brown's Towing Service, Monroeville, Pa. (If granted: Brown's Towing Service would be assigned a new lower priced supplier of motor gasoline to replace its base period supplier, Atlantic Richfield Co.)	FEE-2640	Do.
Do	Kern County Refinery, Inc., Jacksonville, Fla. (If granted: A portion of Kern County Refinery, Inc.'s, obligation to purchase entitlements indicated on the June 1976 notice which results from retroactive invoicing adjustments would be stayed.)	FST-0007	Request for temporary stay.

[FR Doc.76-19130 Filed 6-28-76;4:03 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01058	States Steamship Co.: *Arizona.*
01233	Buries Markes Ltd.: *La Pradera.*
01443	Denholm Lines Steamers Ltd.: *Mountpark.*
01830	Cardon Tankers Corp.: *World Dynasty.*
02040	Odra-Swinoujscie: *Tunek.*
02250	Davenport Marine Panama S.A.: *Albion.*
02436	Alexander Shipping Co. Ltd.: *Upwey Grange.*
02518	Consortium Europeen de Transports Maritimes: *Cetra Norma.*
02911	Sig. Bergesen D.Y. & Co.: *Berge Empress.*
02982	The Shipping Corp. of India, Ltd.: *Kolandia, Vallathol, Koyali, Archana.*
03294	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Altamira.*
03471	Nippo Kisen Kabushiki Kaisha: *Tensho Maru.*
03516	Toko Kaiun K.K.: *Torai Maru.*
03521	Tokushima Kisen K.K.: *Tokusan Maru.*
03582	Crowley Launch and Tugboat Co.: *Barge 7, Barge 10, Barge 21.*
03589	Bay Cities Transportation Co.: *Barge 101, Barge Cardova, Barge 12, Barge 18, Barge 17, Barge 16, Barge 15, Barge 14, Barge 22, DB 7*
03619	United Towing Co.: *Cedar Barge 6, Barge 5, Barge 11, Barge 25, UT 154.*
03623	Crowley Derrick Barges, Inc.: *DB 300, DB 25, DB 5, BD 19, BD 20, DB 16, DB 17.*
03690	The Harbor Tug & Barge Co.: *Santa Domingo, Barge 502-2, Barge 250-3, Barge 250-4, Barge 50, Barge 1, Barge 1927, Barge 23, Barge 51, St. Thomas.*
03707	Alaska British Columbia Transportation Co.: *Barge Kodiak.*
03708	Puget Sound Tug & Barge Co.: *Oregon, PS 206, 570, Pac 312-1, 548, PAC 270, ZBO 260, 130,-1.*
03730	Brown & Root, Inc.: *BAR 347, BAR 362.*
03879	Zapata Haynie Corp.: *REEDVILLE.*
03883	Ohio Barge Line, Inc.: *Steel Explorer, OBL 926, OBL 927, OBL 928.*
03915	Mobil Oil Corp.: *Mobil 340, Mobil 341, Mobil 342, Mobil 343.*
04002	Compagnie des Messageries Maritimes: *Rostand.*
04113	Mon River Towing Inc.: *GBL-7, GBL-8, GBL-9, GBL-10.*
04136	Thomas Marine Co.: *FT—20, FT-22.*
04218	Zidell Inc., Zidell Dismantling Inc., and Zidell Explorations, Inc.: *Floating Drydock DD 160.*
04428	Franco Compania Naviera S.A.: *Klavdia, Zinnia, Areti, Elpida, Mimosa, Torenia, Camelia, Iris, Salvia, Petunia.*
04458	Naviera Artola, S.A.: *Tavira.*
04803	Brent Towing Co., Inc.: *Magnolia.*
05036	Companhia Nacional de Navegacao: *Alcobaca, Alenquer, Antonio Carlos, Braga, Cabo Bojador, Rita Maria.*
05041	Transatlantic Bulk Carriers, Inc.: Elbe Ore.
05520	Union Carbide Corp.: *USL 495, USL 604, USL 609, USL 496, USL 608.*
05577	Far Eastern Shipping Co.: *Khudozhnik Ioganson.*
05581	Latvian Shipping Co.: *Mate Zalka.*
05983	Naviera Astro S.A.: *Ave.*
06478	Korea Marine Industry Development Corp.: *Tae Yang No. 12, Tae Yang No. 16.*
06511	Associated Shipping Corp. Ltd.: *Wisteria.*
06744	Genangel Compania Naviera S.A.: *Ekaterini A.*
07488	Niho Senpaku Kabushiki Kaisha: *Choho Maru.*
07624	Josef Roth-Reedererei: *Elisabeth Roth, Charlotte Koegel, Gabriele Koegel, Franziska Kurz.*
07817	Yick Fung Shipping & Enterprises Co. Ltd.: *Ceram Sea.*
08084	Marenave Transport Corp.: *Santa Katrina.*
08370	Indiana & Michigan Electric Co.: *Lois Vivian.*
08831	Irinikos Shipping Corp.: *Irinikos.*
09488	Saray Shipping Co. S.A.: *Nordbay.*
09545	Maytide Line Co., Ltd.: *Diamond Star, Bracciano, Yue Hope.*
09785	San Diego Transportation Co.: *Barge 450-2, Barge 450-3, Barge 450-4.*

Certificate No.	Owner/Operator and Vessels
09786---	Rederij H. & P. Holwerda: *Arina Holwerda, Elisbeth Holwerda.*
09943---	Rextar Transports, Inc.: *World Concord.*
09951---	Addax Tanker Corp.: *African Addax.*
10021---	Leitch Transport Ltd.: *Canadian Transport.*
10330---	*United Car Transport Corp. S.A.: Universal Wing.*
10645---	Beeline (Shipping) Ltd.: *Penelope of York.*
10696---	K.G.G. Co. S.A.: *Sea Bird No. 82.*
10900---	Olympos Shipping Enterprises Ltd.: *George N. Papalios.*
10931---	Hansung Shipping Co., Ltd.: *Blue Virgo.*
11011---	Power Corp. of Canada, Ltd.: *H. M. Griffith Saguency Rimouski Quetico Simcoe Murray Bay Richelieu Baie St. Paul Frontenac T. R. McLagan Stadacona Hochelaga Sir James Dunn Georgian Bay Gleneagles English River Fort Henry Metis.*
11016---	Uiterwyk Lines Ltd.: *Annieea U.*
11078---	As-Safina Co.: *Safina Saudia.*
11165---	Partrederiet for T/T Serenade: *Sea Serenade.*
11176---	Piton Shipping Inc.: *Euromerchant.*
11200---	Ftari Shipping Company S.A.: *Menalon.*
11205---	Sculptor Shipping Ltd.: *Diana Prosperity.*
11221---	Ekali Shipping Corp. S.A.: *Angele.*
11225---	Cancer Shipping Corp.: *Dafra Merchant.*
11226---	North River Securities Co., Inc.: *Tamara Guilden.*
11237---	Dicochri Compania Naviera S.A.: *Christos K.*
11247---	Global Marine Deepwater Drilling Inc.: *Glomar Grand Isle, Glomar Conception, Glomar Challenger, Glomar Grand Banks, Glomar Coral Sea, Glomar Java Sea.*
11257---	Fatherco Compania Naviera S.A.: *Panoceanic Fame.*
11258---	J. Jost Ohg. Hamburg: *Jennes.*
11263---	Silver Sea Shipping Co., Ltd.: *Elmare.*
11264---	Bosma's Scheepvaart & Handelbedrijf N.V.: *Cornelia B II, Cornelia B I, Cornelia B VI.*
11278---	Vianaves Transoceanica S.A. of Panama: *Kavo Maleas.*
11286---	Binion Marine Service, Inc.: *ETT 121, T 200.*
11288---	Parmenion S.A. of Panama: *Alimos.*
11298---	T. L. Herbert & Sons, Inc.: *Barge No. 2172.*
11300---	Imperator Bereederungs & Schiffahrts GMBH & Co. KG.: *Imtor.*
11306---	Tees Navigation Co., Inc.: *Maritime Investor.*
11309---	Lorepolne Shipping Corp.: *Evangelistria.*
11310---	Perdix Shipping Ltd.: *Alexandra Carras.*
11311---	J. C. Bulk Carriers S.A.: *J. C. Arrow.*
11315---	Claymorr Shipping Ltd.: *Mount Blair.*
11317---	Krateros S.A.: *Grigoroussa.*
11318---	Antipatros S.A.: *Avlon.*
11319---	Crosswinds Shipping Corp.: *Evali.*
11320---	Consolidated Oceanic Corp., Liberia: *Aristonofos.*
11323---	James P. Cross, Sr.: *Farken No. 1.*
11324---	Ichikawa Kaiji Kogyo Kabushiki Kaisha: *Nippon Maru.*
11325---	Karavel Shipping Corp.: *Arctic Star.*
11326---	Toyo Islands Shipping Co., Ltd.: *Topaz Islands.*
11327---	Paula Islands Shipping Co., Ltd.: *Palm Islands.*
11328---	O'Reilly Islands Shipping Co., Ltd.: *Onyx Islands.*
11329---	Oficios Islands Shipping Co., Ltd.: *Opal Islands.*
11330---	Indalecio Islands Shipping Co., Ltd.: *Ivory Islands.*
11331---	Compostela Islands Shipping Co., Ltd.: *Coral Islands.*
11332---	Aguiar Islands Shipping Co., Ltd.: *Agate Islands.*
11333---	Amargura Islands Shipping Co., Ltd.: *Amber Islands.*
11335---	Malaysia Overseas Lines, Ltd.: *Oriental Hero.*
11336---	Leknes Shipping Corp.: *Leknes.*
11337---	Katharine Navigation Ltd.: *Nikitas Roussos.*
11340---	Palomar Navigation Corp.: *Theomana.*
11341---	Miramar Navigation Corp.: *Theoliptos.*
11342---	Sea Horse Navigation S.A.: *Rejoice.*
11343---	Amstel Tanker Management B.V.: *Happy Rider.*
11344---	Bursco Towboat Co.: *Peter W.*
11346---	Tanker Ventures Corp., Ltd.: *Palmyra.*
11347---	Eldeco Compania Naviera S.A.: *Charlotte.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-19278 Filed 7-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-106]

CRYSTAL OIL CO.

Order Granting Waiver of 157.40(c) To Include Large Producer-Type Sale Under Small Producer Certificate, Effective on the Date of Filing

JUNE 28, 1976.

Crystal Oil Company ("Crystal"), a small producer, filed a petition on November 11, 1975, as supplemented on December 12, 1975, for waiver of Section 157.40(c) of the Commission's Regulations,[1] to allow its large producer-type sale authorized in Docket No. CI73-106 [2] to be covered under its small producer certificate issued in Docket No. CS71-530.[3]

In its November 11, 1975, petition, Crystal stated that it was "willing to accept a certificate at the national rate" as provided by Opinion No. 699-H. In response to Staff's direction, Crystal filed its December 12, 1975, supplement correcting its previous filing of November 11, 1975. The latter petition requested the Commission to waive Section 157.40(c) and allow Crystal to sell gas from the assigned Amerada leases at the national rate pursuant to Opinion No. 699-H, with an effective date for the higher rate of January 1, 1975.

There are, therefore two questions to decide:

(1) Should Section 157.40(c) be waived on these facts; and

(2) If so, what is the appropriate effective date for this new rate?

Waiver of Section 157.40(c). The Commission has granted a waiver of Section 157.40(c) to allow small producers to sell under their small producer certificates gas acquired from large producers' developed reserves, on the condition that the rates charged don't exceed the applicable ceiling rates for large producer sales.[4] In the Herman Geo. Kaiser order,[5] the Commission granted the small producer—Kaiser—authority to sell natural gas from developed and producing acreage acquired from larger producers with the following condition:

"To assure that the intention of Section 157.40(c) is fully carried out, such sales will be conditioned to the applicable just and reasonable area rate."

The intention of this part of Section 157.40(c) is stated clearly in Commission Order No. 428: [6]

"The New York Commission contends that the proposed exemption may open the way for large producers to sell their reserves in place to small producers, who would in turn resell the reserves under a conventional (exempt) sales contract to an interstate pipeline. To forestall this possibility, we shall provide that the exemption authorized here for small producers shall not apply to jurisdictional sales made by them where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. In such circumstances the small producer will be required to obtain separate certificate authorization."

The Commission, therefore, agrees with Petitioner, Crystal Oil Company, in the latter's assertion [7] that since Crystal has "contractually obligated itself to accept no more than the Commission ap-

[1] 18 C.F.R. § 157.40(c) provides in pertinent part that the rate regulation of small producers "shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer."

[2] By order dated March 8, 1973, the Commission granted Crystal a certificate to sell gas to Natural Gas Pipeline Corporation from these developed leases assigned to Crystal by Amerada Hess Corporation (the large producer herein). The underlying contract expired by its own terms on December 31, 1973. The present petition pertains to a successor contract effective January 1, 1975.

[3] Small producer certificate issued January 17, 1972.

[4] Order issued November 8, 1972, *in re Herman Geo. Kaiser (Operator) et al.*, Docket Nos. CS71-179 *et al;* Order issued January 17, 1975, *in re North Central Oil Corporation*, Docket No. CS67-8.

[5] *Herman Geo. Kaiser, supra*, note 4, *mimeo* at 2.

[6] Order No. 428, 45 F.P.C. 454, 455-6, issued March 18, 1971, Docket No. R-393, *Order Establishing Blanket Certificate Procedure for Small Producer Sales and Providing Relief From Detailed Filing Requirements.*

[7] Supplement of Crystal Oil Company to Request for Waiver of Section 157.40(c), Docket No. CI73-106, December 12, 1975, mimeo at 2.

proved just and reasonable national rate promulgated by Opinion No. 699–H" that the purposes of Section 157.40(c) have been served. That being the case, Section 157.40(c) can be waived in the instant case.

Effective date: The leases involved herein are located in the Fairbanks Field, Harris County, Texas and were subject to a predecessor sales contract dated November 15, 1952, which expired by its own terms on December 31, 1973. On June 24, 1975, Crystal and Natural Gas Pipeline Company of America entered into the present contract covering some of the same leases with an effective date of January 1, 1975, for a term of nine years. The new contract provided, *inter alia*, that Crystal could file a supplement to its existing FPC Rate Schedule for the Fairbanks Area to obtain the highest price permitted under Opinion No. 699–H.[8] Crystal first filed on November 11, 1975. A December 12, 1975, supplement was filed correcting Crystal's November 11, 1975, application, and requesting an effective date of January 1, 1975, for the higher contract rates.

Opinion No. 699–H provides that any contractually authorized increased rate filing shall be effective as of the date of filing if the filing is made subsequent to January 31, 1975.[9] Since Crystal did not make any filing prior to November 11, 1975, it is not entitled under that opinion to the rate prescribed therein until November 11, 1975, and good cause has not been shown for granting an earlier effective date. Prior to November 11, 1975, Crystal is not entitled to collect any rate in excess of that authorized in FPC Gas Rate Schedule No. 28 under the Commission's order of March 8, 1973, in Docket No. CI73–106. This conclusion is consistent with the "filed rate doctrine" under which the effective rate on file with the Commission is the only rate that may be charged for the sale of gas in interstate commerce.[10] This doctrine has received judicial approval.[11]

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity requires that Section 157.40(c) of the Regulations should be waived in part, and that the order issuing a certificate of public convenience and necessity in Docket No. CS71–530 be amended, as hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity requires acceptance of the related rate filings as shown on the attached summary, effective November 11, 1975; that Natural be allowed to intervene; and that Docket No. CI73–106 be terminated and Crystal's related FPC Gas Rate Schedule No. 28 be cancelled as hereinafter ordered.

The Commission orders: (A) The order issuing a certificate of public convenience and necessity in Docket No. CS71–530 is amended by authorizing the sales of natural gas by Petitioner from its interest in the Fairbanks Field, Harris County, Texas to Natural Gas Pipeline Company of America, as hereinbefore described, effective November 11, 1975. In all other respects said order shall remain in full force and effect.

(B) The sales authorized by Paragraph (A) above shall not be made at rates in excess of the applicable national rate set forth in Opinion No. 699–H. Such authorization shall permit rates of 51.0¢ per Mcf at 14.73 psia from November 11, 1975 until January 1, 1976, and 52.0¢ per Mcf at 14.73 psia on and after January 1, 1976, both plus tax reimbursement and subject to upward and downward Btu adjustment from a base of 1,000.

(C) The related rate filings as shown on the attached summary are accepted effective November 11, 1975.

(D) The certificate of public convenience and necessity issued to Petitioner in Docket No. CI73–106 is terminated and the related FPC Gas Rate Schedule No. 28 is cancelled.

(E) Natural Gas Pipeline Company of America is permitted to intervene in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–19159 Filed 7–1–76;8:45 am]

[Docket No. RP76–73]

DISTRIGAS OF MASSACHUSETTS CORP.

Pipeline Rates: Order Denying Rehearing

JUNE 28, 1976.

By order issued April 16, 1976 in the referenced docket, the Commission accepted for filing subject to conditions and suspended a proposed gas tariff tendered by Distrigas of Massachusetts Corporation (DOMAC). DOMAC filed an Application for Rehearing on May 14, 1976 in which "DOMAC contends that the Commission erred in denying DOMAC rate base treatment of its LNG barge "Massachusetts" and in not allowing DOMAC to eliminate all depreciation reserves accrued up to December 31, 1975." After careful review and consideration, the Commission has decided that the Application for Rehearing should be denied.

The Commission's order of April 16, 1976 required, inter alia, the elimination of an LNG barge, "Massachusetts," from rate base and the inclusion in depreciation reserves of all accruals up to December 31, 1975. DOMAC's Application challenges these requirements on the basis that they are issues of fact which should be addressed at a hearing. DOMAC alleges "no purely legal issues are presented by DOMAC's tariff." Since these two issues, the inclusion of the LNG barge and the elimination of depreciation accruals, present questions of fact, according to DOMAC, DOMAC contends the Commission could not summarily dispose of them.

DOMAC proposes to include LNG barge, "Massachusetts," in its cost of plant as plant held for future use. This, of course, would increase DOMAC's rate base.[1] The "Massachusetts" is not in service presently. However, DOMAC has used it in the past to transport LNG and the barge is now "retained in operational readiness" for future transportation of LNG at the customer's request. The "operational readiness" to transport LNG in the future forms the basis for DOMAC's treatment of this barge as plant held for future use.[2] DOMAC in its Application for Rehearing claims that Opinion No. 613,[3] "contemplated" use of the "Massachusetts" "for the purpose of transporting LNG to DOMAC's customers." Accepting the facts as set forth by DOMAC, the LNG barge has been included as plant held for future use because it has been used to transport LNG in the past and is expected to be used in the future in the same way. On this basis, DOMAC claims the barge "is a proper element of [DOMAC's] rate base."

The Commission disagrees with these contentions. Opinion No. 613, supra, addressed the question of whether Distrigas Corporation, DOMAC's parent, would be authorized to import LNG. It did not address the proper rate treatment for the imported LNG,[4] nor did it "contemplate the use" of the "Massachusetts" for transporting LNG. To the contrary, the Commission refused explicitly to rule on the transportation of LNG by barge when it stated:

> "The importation or exportation of natural gas is patently the jurisdiction of this Commission under Section 3 of the Act. The transportation of natural gas by barge we specifically do not rule upon at this time since such is the subject in a proposed rulemaking of which notice was published on January 15, 1970 in Docket No. R–377." Id., 756.

Any reliance by DOMAC on Opinion No. 613 for its contentions is misplaced. The Commission did not rule upon the proper rate treatment for the sale of LNG by DOMAC nor did it in any manner justify

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[8] Exhibit B of Application of Crystal Oil Company, dated November 11, 1975, Docket No. CI73–106, mimeo at 1.

[9] Opinion No. 699–H issued December 4, 1974, Docket No. R–389–B, mimeo pp. 85–86.

[10] *Samedon Oil Corporation (Operator) et al.*, order issued February 2, 1967, 37 FPC 267; *Phillips Petroleum Company* v. *Ashland Oil and Refining Company*, order issued September 3, 1968, 40 FPC 390.

[11] *Montana-Dakota Utilities Co.* v. *Northwestern Public Service Co.* 341 U.S. 246 (1951); *Hope Natural Gas Co.* v. *F.P.C.*, 134 F. 2d 287 (4th Cir. 1943) rev'd on other grounds, 320 U.S. 591 (1944); *Socony Mobil Oil Co., Inc.* v. *Brooklyn Union Gas Co.*, 299 F. 2d 692, 694 (5th Cir. 1962), *cert. denied*, 371 U.S. 887 (1962); *Mississippi River Fuel Corp.* v. *F.P.C.*, 202 F. 2d 899, 903–4 (3rd Cir. 1953); *Cf. Continental Oil Co.* v. *F.P.C.*, 236 F 2d 839 (5th Cir. 1956), *cert. denied*, 352 U.S. 966 (1957); *Shell Oil Co.* v. *F.P.C.*, 334 F. 2d 1002, 1009 (3rd Cir. 1964).

[1] Stmts. C and C–1 of DOMAC's Filing.

[2] Testimony of John G. L. Cabot, 6, Testimony of Joseph G. Doolin, 3.

[3] 47 FPC 752 (1972).

[4] *Id.*, Ordering Paragraph (A), 47 FPC 765–766.

the use of the "Massachusetts" for transporting LNG.

As we stated in the April 16, 1976 order, "DOMAC proposes by this filing to replace [existing individual] contracts with a single tariff establishing uniform services and rates for services applicable to all its LNG customers." The services provided under DOMAC's proposed tariff are terminating and delivery of LNG. (Rate Schedules GS-1 and TS-1) The method of delivery under the tariff is specified in the Service Agreement under Rate Schedule TS-1 (Original Sheets Nos. 44, 45 and 46 of DOMAC's proposed tariff.): (1) delivery of vaporized LNG to the buyer's line; and, (2) delivery of LNG into buyer's trucks. Article 5 of this Service Agreement states the points of delivery for LNG.

> The point or points at which vaporized LNG is to be tendered or delivered by Seller to Buyer hereunder shall be at the receiving pipe flange of Boston Gas' Everett distribution system or of its tie-line to Malden * * * The point at which LNG by truck is to be tendered or delivered by Seller to Buyer hereunder shall be the flange of Seller's truck loading lines. In the event that any other method of delivery is utilized, the point of delivery shall be as Buyer and Seller may mutually agree upon.

The proposed tariff provides for the services of terminalling and delivery to be accomplished at DOMAC's LNG terminal. Once the gas has been delivered at the points listed above, the services contemplated by the proposed tariff have been completed by DOMAC. The proposed rates apply solely to these services and their justness and reasonableness will be judged upon that basis.

The terms of the Service Agreement indicate that delivery will be completed at DOMAC's terminal. Delivery does not include transportation of LNG to the buyer's facilities unless separate contractual arrangements are made between DOMAC and the buyer. The use of the "Massachusetts" to transport LNG does not come within the delivery service provided under DOMAC's proposed tariff. Accordingly, the Commission would not be determining the reasonableness of the rates charged for transporting LNG by use of the "Massachusetts" in the context of this proceeding. The scope of this proceeding relates to the reasonableness of rates for delivery of LNG made at DOMAC's terminal under the terms of the Service Agreement. Transportation of the LNG by barge does not fall within the scope of this proceeding; the price charged for such service is to be determined by private agreement between the parties. In these circumstances, the inclusion of the cost of the "Massachusetts" in rate base is improper because it would be charging the jurisdictional ratepayer for a cost not related to the services provided for by the proposed tariff.

Furthermore, the rates to be charged for transporting LNG by barge are not within the regulatory authority of the Commission. In the rulemaking concerning the transportation of LNG by barge, rail or motor carrier, the Commission held that it did not have jurisdiction over transportation of LNG by barge.

> "In both instances (Opinion No. 613, supra, and Opinion No. 662, 47 FPC 624 (1972)), the Commission reserved the question over the transportation of LNG in interstate commerce by motor carrier, barge and rail. The Commission hereby determines that it does not have jurisdiction over the transportation of LNG by means other than pipeline * * *" Docket No. R-377, 49 FPC 1078, 1079 (1973).

The use of the "Massachusetts" for the transportation of LNG, as DOMAC states would be its purpose, does not fall within the Commission's jurisdiction. Because of the fact that transportation of LNG is not a service for which rates are being set in this proceeding, the inclusion of the cost of the "Massachusetts" in rate base is improper. The scope of the proceeding and the jurisdiction of the Commission are not matters which can now be changed by factual showings. Accordingly, DOMAC's Application for Rehearing will be denied.

DOMAC requests also that the Commission grant rehearing because "factual issues are presented by the depreciation calculation in the DOMAC tariff which cannot be ignored through summary rejection of those calculations." DOMAC has deducted from its accumulated provision for depreciation the accruals of depreciation up to December 31, 1975. (Stmt. D.) DOMAC eliminates this $759,819 in accruals as a deduction for stockholders loss. The reasoning for this adjustment is based upon a link between depreciation and stockholder earning. As DOMAC states in its Application: "prior to the institution of the Uniform System of Accounts, it was not an uncommon corporate procedure to charge depreciation expense out of the profits of the corporation." The Commission is not persuaded by DOMAC's contentions on this point.

What may have been "not an uncommon" corporate procedure prior to the adoption of the Uniform System of Accounts has no applicability in this case. The adoption of the Uniform System of Accounts superseded the use of prior accounting practices. All utilities subject to the Commission's authority are bound to follow the Uniform System of Accounts. (18 CFR, Part 201, 1975). Under the Uniform System, linking the depreciation to the utility's profits and the subsequent deduction of such depreciation accruals from accumulated depreciation is not allowed. (Accts. 108 and 403, 18 CFR Part 201, 1975).

Because the purpose of the System of Accounts is to provide for uniformity of accounting practices among jurisdictional pipelines in order to promote an equitable process of regulation to all pipelines, any deviation from it to accounting practices which preceded the Uniform System and are inconsistent with its accounting methods must be given close scrutiny before being allowed.

Upon review of DOMAC's proposed accounting for depreciation accruals, the Commission finds that it must be rejected as an attempt to make up past losses. The effect of DOMAC's proposed accounting treatment is to increase its rate base by the amount of $795,819 (the total amount of depreciation accruals for calendar years 1974 and 1975), which DOMAC proposes to deduct from accumulated depreciation as a stockholder's loss. This, if allowed, would effectively carry forward losses that DOMAC incurred in past years. Such an attempt to recoup past losses is prohibited by the Natural Gas Act.

> "But regulation does not insure that the business shall produce net revenues nor does the Constitution require that the losses of business in one year shall be restored from future earnings by the device of capitalizing the losses and adding them to the rate base on which a fair return and depreciation allowance is to be earned. The deficiency may not be thus added to the rate base for the obvious reason that the hazard that the property will not earn a profit remains on the company in the case of a regulated as well as an unregulated, business." *FPC* v. *Natural Gas Pipe Line Co.*, 315 U.S. 575, 590 (1942)

Here, DOMAC's deduction of depreciation accruals as stockholder's loss is a device to carry forward past losses and force the rate payers to bear them. The law prohibits such recovery. Accordingly, DOMAC's application for rehearing on this issue will be denied.

The Commission finds: Good cause does not exist to grant DOMAC's Application for Rehearing.

The Commission orders: (A) DOMAC's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-19162 Filed 7-1-76;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Order Denying Rehearing

JUNE 25, 1976.

On May 25, 1976 the City of Oglesby (Oglesby), the Village of Ladd (Ladd), and the Cedar Point Light and Water Company (Cedar Point) filed a Motion For Reconsideration, or Alternative Petition For Rehearing of the Commission's order[1] issued May 7, 1976 in the above referenced proceeding. The May 7 order granted Illinois Power Company's (IP) petition for rehearing of an order issued March 8, 1976 in which the Commission held that IP's contracts with Ladd and Oglesby could be changed only by order of the Commission. In the May 7 order the Commission held that all the contracts were "going rate" contracts with valid Memphis[2] clauses. The Commission affirms that holding herein and

[1] Order on Rehearing.

[2] *United Gas Pipe Line Company* v. *Memphis, Light, Gas, & Water Division*, 358 U.S. 103 (1958).

denies the customers' petition for rehearing.

The petition for rehearing raises two points. First, it is argued that Illinois Law does not govern the status of the contracts. The Commission agrees. The Commission has used Illinois law to interpret the intent of the parties as expressed in the contract but has never stated that the status of the contract is governed by Illinois law. March 8 order, Mimeo, pp. 3-4. The parties deliberately referred to state practice in defining their relationship. When parties do so the Commission must look to the state practice in construing the terms of the contract and be guided by what it discovers. *Richmond Power & Light* v. *F.P.C.*, 481 F. 2d 490 (D.C. Cir.—1973), *cert denied* 414 U.S. 1068 (1973).

The petition's second point is that Illinois practice contemplates a final order of the regulatory body before new rates are placed in effect. This position is based upon the practice of the Illinois Commission of deciding cases before the end of any suspension period. However, as fully explained in the May 7 order in this case, the provisions of Illinois law call for limited suspension. It is possible that rates go into effect under Illinois law before a final decision concerning their validity is made. The Commission finds that the contract contemplated this possibility. As stated in the May 7 order (p. 5):

> Upon review of the Illinois Public Utility Act the Commission finds that the Illinois legislature has, in fact, conferred upon the Illinois Commerce Commission the authority to suspend proposed rate charges by virtue of the following language:
>
> "The period of suspension of such rate or other change * * * shall not extend for more than one hundred and twenty days beyond the time when such rate or other charge * * * would otherwise go into effect unless the Commission, in its discretion, extends the period of suspension for a further period not exceeding six months."[6]
>
> In light of this suspension authority vested in the Illinois Commerce Commission we find that the parties contemplated that the rates would become effective no later than ten months from the proposed effective date and could be permitted to become effective earlier at the discretion of the Commission.

For the reasons stated above, rehearing of the May 7 order should be denied.

The Commission finds: No new issues of fact or law have been raised which would warrant granting rehearing of the Commission's May 7 order in this proceeding.

The Commission orders: (A) Rehearing of the May 7 order in this proceeding is denied.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19156 Filed 7-1-76;8:45 am]

[Docket Nos. ER76-714; ER76-715; and ER76-716]

INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Establishing Section 206(a) Proceedings, Consolidating Proceedings, and Granting Intervention

JUNE 25, 1976.

On May 28, 1976, Indiana & Michigan Electric Company (I&M) tendered for filing revisions to its tariff rates WS and MRS, applicable to municipal and cooperative customers (Docket No. ER76-716) together with supplements to its rate schedules providing service to two investor-owned utilities, Michigan Power Company (Docket No. ER76-714) and Northern Indiana Public Service Company (NIPSCO) (Docket No. ER76-715).[1] For the reasons set forth below, the Commission shall accept the tendered tariff sheets for filing, suspend the proposed rates for the municipals, Michigan Power and NIPSCO for one month and make them subject to refund, and order a Section 206 hearing to determine the appropriate rates to the cooperative customers. In addition, we shall consolidate proceedings in all three dockets for purposes of hearing and decision.

The proposed changes would increase revenues from jurisdictional sales and services, based on the test year ended December 31, 1976, by $25,785,403 (81.8%) for the municipals and cooperatives, $11,300,125 (75.0%) for NIPSCO and $7,253,836 (84.9%) for Michigan Power. The proposed effective date for the changes is June 27, 1976.

Public notice of the filings was issued on June 3, 1976, with petitions or protests due on or before June 17, 1976.

On June 16, 1976, Northern Indiana Public Service Company filed a petition to intervene in Docket No. ER76-715 and a motion to suspend the proposed rates in that docket for the full statutory period of five months. On June 17, 1976, Richmond Power and Light of the City of Richmond (Richmond) filed a petition to intervene in Docket Nos. ER 76-714 and ER 76-715 and a petition seeking rejection of the filing in Docket No. ER76-716 or, alternatively, summary disposition of certain issues, suspension of the rates and a hearing, and that Richmond also requests that a full record be developed on "price squeeze" issues in light of the recent United States Supreme Court decision in the *Conway* case.[2] On June 17, 1976, I & M's Cooperative customers filed a petition to intervene in Docket No. ER 76-716, requesting that the filing be rejected as to them since the Commission and courts have held that I & M may not unilaterally file for a rate change under the Cooperatives' contracts. Also on June 17, 1976, the Cities of Anderson and Auburn, Indiana, filed a petition to intervene and for the Commission to reject I & M's filing in Docket No. ER76-716 or, alternatively, to suspend it for five months, order a hearing which includes discussion of "price squeeze" issues, order I & M to keep account of amounts received under the changed rates and to refund all amounts not found to be just and reasonable.

The Michigan Public Service Commission filed a notice of intervention in Docket No. ER76-714 on June 17, 1976 and a motion to suspend the proposed rates in that docket for five months. The Indiana and Michigan Municipal Distributor Association (IMMDA), representing the municipally-owned electric distributor customers of I & M, filed petitions to intervene and to consolidate the three related dockets in Docket No. ER76-716 on June 16, in Docket No. ER76-714 on June 17, and in Docket No. ER76-715 on June 21, 1976. In its June 16 petition, IMMDA also raises a question of discrimination between Richmond and I & M's other wholesale customers if the proposed rates go into effect for the latter prior to the expiration of Richmond's "fixed rate" contract.

Our review indicates that the proposed rates filed by Indiana & Michigan herein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We shall therefore suspend the proposed rate to the municipals, NIPSCO and Michigan Power for one month, and establish hearing procedures.

Having reviewed the petitions to intervene listed above, the Commission concludes that the petitioners have an interest in these proceedings which is sufficient to warrant intervention herein.

Intervenors' petitions raise a number of issues which, due to their complexity, will be dealt with in a subsequent Commission order.

Indiana & Michigan acknowledges in its filing that the Commission by order issued in Docket No. E-7740 on June 3, 1974, as affirmed by Commission Order Denying Rehearing issued August 2, 1974, determined that the contracts between I & M and its cooperative customers contemplate that a rate change may only be made following the procedure which

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[6] Illinois Public Utilities Act, Section 36, Laws 1913, *See Streator Aqueduct Co.* v. *Smith*, 295 F. 2d 385 (S.D. Ill. 1923); *Central Illinois Public Service Co.* v. *Illinois Commerce Commission*, 125 N.E. 2d 269 (1955).

[1] See Appendices A & B for a list of customers and rate schedule designations.

[2] *FPC* v. *Conway Corp.*, No. 75-842, decided June 7, 1976.

may be instituted under Section 206 of the Federal Power Act. We shall therefore order a Section 206 hearing in Docket No. ER76-416 in order that we may set the just and reasonable rate prospectively as to the cooperative customers.

I & M states in its letter of transmittal in Docket No. ER76-716 that upon the expiration or the termination pursuant to notice of the service agreements between I & M and its cooperative customers, the presently effective rate schedules will be replaced by the then existing tariff or rate schedule. We find it is appropriate that as each of the above-mentioned contracts expires, we will grant a waiver of the ninety-day notice requirements of the Commission's Regulations, and permit an effective date for the proposed changes as of the expiration date of said contracts. Pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C.*,[3] however, we will require that, as each of the above-mentioned contracts expires, I & M will file with the Commission a superseding service agreement capable of serving as a notice of termination of contractual service required by 18 C.F.R. Section 35.13 and an amended list of purchasers.

Similarly, I & M acknowledges the United States Court of Appeals decision [4] holding that I & M has no right to make a unilateral filing with respect to I & M's FPC Rate Schedule No. 58, applicable to Richmond Power and Light of the City of Richmond, Indiana (Richmond). In its Docket No. ER76-716 filing, therefore, I & M states its intention to substitute for Richmond's presently existing FPC Rate Schedule No. 58 the then existing rate schedule or tariff for other comparable wholesale for resale customers upon the expiration of the current contract on December 31, 1976, pursuant to notice already served. We will therefore also grant a waiver of the ninety day notice requirements as to Richmond, subject to the filing of a superseding service agreement as discussed above, the proposed changes to become effective as to Richmond on December 31, 1976, subject to refund.

Upon review of the filings, we further find that good cause exists to consolidate Docket Nos. ER76-714, ER76-715 and ER76-716.

The Commission finds: (1) Good cause exists to accept for filing Indiana & Michigan's proposed increased rates to its municipal customers listed on Appendix A, NIPSCO and Michigan Power, and to suspend those rates for one month until July 27, 1976, when they may be permitted to become effective subject to refund, pending the outcome of a hearing and decision thereon.

(2) A proceeding under Section 206(a) of the Federal Power Act should be instituted to determine the just and reasonable rate to be prospectively charged I & M's cooperative customers listed in Appendix B. Such proceeding should use the material submitted in I & M's filing of May 28, 1976 in Docket No. ER76-716.

(3) Good cause exists to grant a waiver of the ninety day notice requirements so as to permit the proposed rates to become effectivve upon the expiration of the contracts of the cooperative customers and of the City of Richmond.

(4) Good cause exists to consolidate for purposes of hearing and decision Docket Nos. ER76-714, ER76-715, and ER76-716.

(5) It is desirable and in the public interest to permit the above listed petitioners to intervene in the instant consolidated proceeding, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in I & M's FPC Electric Rate Schedules as proposed to be revised by the subject filings.

(B) Pending a hearing and final decision thereon, I & M's filings as to its municipal customers listed on Appendix A, NIPSCO and Michigan Power are hereby accepted for filing and suspended for one month, to become effective July 27, 1976, subject to refund.

(C) We permit waiver of the ninety day notice requirement of the Commission's regulations as to the Cooperative customers listed in Appendix B and of the City of Richmond. The proposed changes are to become effective subject to refund as to these customers upon the expiration of each of their contracts, on condition that, when each of their respective contracts does expire, I & M will file with the Commission, pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C., supra*, a superseding service agreement capable of serving as the notice of termination of contractual service rendered required by 18 C.F.R. Section 35.13, and an amended list of purchasers.

(D) As to those cooperative customers listed in Appendix B, no rate change shall be permitted (except as provided in Ordering Paragraph (C) above) until a final determination by the Commission as to the just and reasonable rate to be charged prospectively pursuant to the Section 206 proceedings ordered herein.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before December 27, 1976. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) I & M shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(H) Docket Nos. ER76-714, ER76-715 and ER76-716 are hereby consolidated for hearing and decision.

(I) The petitioners listed above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided; further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(J) The Secretary shall cause prompt publication of this order to be made in the Federal Register and shall serve a copy thereof on the wholesale customers of Michigan Power Company.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19158 Filed 7-1-76;8:45 am]

[Docket No. ER76-743]

METROPOLITAN EDISON CO.

Filing

JUNE 25, 1976.

Take notice that on June 15, 1976, the Metropolitan Edison Company (ME) tendered for filing on behalf of the signatories to that Agreement, a Susquehanna-Eastern 500 kv Transmission System Agreement (S-E System Agreement) as an initial rate schedule. The parties to that Agreement are:

Public Service Electric and Gas Company
Philadelphia Electric Company
Atlantic City Electric Company
Delmarva Power & Light Company
Pennsylvania Power & Light Company
UGI Corporation
Metropolitan Edison Company

ME states that it is acting for itself and for other subsidiaries of General Public Utilities Corporation.

ME further states that the S-E Agreement provides for transmission of the output of Three Mile Island Nuclear Unit No. 2 located in Dauphin County, Pennsylvania, establishes an additional path for the transfer of regional and inter-

[3] 485 F. 2d 967 (D.C. Cir. 1973); See also *Arkansas-Missouri Power Company*, Docket No. E-9092, "Order Accepting For Filing," issued November 29, 1974.

[4] 481 F. 2d 490 (CADC, May 23, 1973).

regional economy energy and strengthens the existing EHV 500 kV transmission facilities in Pennsylvania, New Jersey, Delaware and Maryland to achieve added reliability during system emergencies. The Agreement describes the new facilities being installed and the basis of charges to allocate the financial responsibility for those facilities among the parties in relation to the benefits received.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 9, 1976. Protests will be considered by the Commission 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 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.76-19161 Filed 7-1-76;8:45 am]

[Docket No. E-9555]

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Declaration of Intention

JUNE 25, 1976.

Public notice is hereby given that on April 19, 1976, the Metropolitan Water District of Southern California (Metropolitan) (Correspondence to: Mr. John J. Lautern, General Manager, The Metropolitan Water District of Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054), filed under the Federal Power Act (16 U.S.C. 794a–825r) a declaration of intention to construct a hydroelectric power system and a petition urging the Federal Power Commission to disclaim jurisdiction over this development. The project would be located in Los Angeles, Orange, and Riverside Counties, California.

Plans call for the construction, operation, and maintenance of hydroelectric power recovery plants at five locations on the water distribution system of Metropolitan. It is intended to use the head created as water is being pumped from the Colorado River and the California Aqueduct over mountain ranges and descending into the Southern California coastal plain. The declarant states that the routing of normal water deliveries through turbines instead of through existing pressure control facilities would permit the recovery of much of the hydraulic energy that is currently being dissipated and lost. The estimated capacities of the five sites total 47.1 Mw and the estimated cost of construction is $25.4 million.

Any person desiring to be heard or to make protest with reference to said declaration and petition should on or before August 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or 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 a 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 declaration and petition is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this matter if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Metropolitan to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19160 Filed 7-1-76;8:45 am]

TENNESSEE PUBLIC SERVICE COMMISSION AND EAST TENNESSEE NATURAL GAS CO.

[Docket Nos. RP76-70, RP71-15, RP75-28 (PGA76-1) (DCA76-1)]

Order Instituting Investigation, Consolidating Proceedings and Granting Intervention

JUNE 28, 1976.

In the matter of: Tennessee Public Service Commission, Complainant vs. East Tennessee Natural Gas Company, Respondent.

On March 11, 1976, the Tennessee Public Service Commission (Tennessee PSC) filed with the Commission a complaint, pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, seeking an investigation into East Tennessee Natural Gas Company's (East Tennessee) treatment of certain demand charge credits. For the reasons stated below the Commission shall institute an investigation and consolidate the proceeding with the pending proceeding in Docket Nos. RP71-15 and RP75-28 (PGA 76-1) (DCA76-1).

On November 14, 1975, as amended on December 18, 1975, East Tennessee tendered for filing, in Docket Nos. RP71-15 and RP75-28 (PGA76-1) (DCA76-1), a proposed purchased gas adjustment increase. The Tennessee PSC filed a notice of intervention in that proceeding and a request for suspension and hearing to determine the justness and reasonableness of the proposed adjustment. Tennessee PSC alleged that it has been East Tennessee's practice to retain for itself demand charges credits which it receives from its supplier, Tennessee Gas Pipeline Company, while flowing through to its customers any resulting commodity increase designed to allow the pipeline supplier to recover the demand charge credit given.

By order issued December 31, 1975, the Commission suspended for one day East Tennessee's proposed purchased gas cost adjustment and set the matter for hearing. By order issued February 4, 1976, the Commission denied the application for rehearing of East Tennessee. The Commission in that order, rejected East Tennessee's contentions a) that its adjustment was proper since its PGA clause did not specifically request it to flow through demand charge credits, b) that the Commission failed to explain why this adjustment was suspended when its previous adjustments included the demand charge adjustment surcharge, and c) that the Commission could not effect a remedy with respect to past periods wherein the credits were not flowed through.

On March 11, 1976, Tennessee PSC, filed a complaint in Docket No. RP76-70 for the purpose of causing East Tennessee to refund to its customers the full amount of all reductions and demand charges, with interest, which East Tennessee has received subsequent to January 1, 1974. Tennessee PSC states in its complaint that it is of the opinion that the proceedings pending in Docket Nos. RP71-15 and RP75-28 (PGA76-1) (DCA76-1) will properly dispose of the demand charge reductions occurring only during 1975 but not for the period preceding the time period of the filings in these dockets. Tennessee PSC, in requesting an investigation into the demand charge credits retained prior to the filing of Docket Nos. RP75-28 (PGA76-1) (DCA76-1), states that similarity of issues makes it proper to consolidate the complaint proceeding with the preceedings in Docket Nos. RP71-15 and RP75-28 (PGA76-1) (DCA76-1).

A copy of Tennessee PSC's complaint was forwarded to East Tennessee who was directed to answer it within thirty days. East Tennessee filed a response and an objection on April 5, 1976. In its response East Tennessee denies that it has improperly retained the demand charge credits received from Tennessee Gas Pipeline Company, and in support of its contention incorporates the arguments made in its answer to Tennessee PSC's initial protest to the proposed purchased gas adjustment in this docket and in its

Application for rehearing filed in this docket.

Public notice of the filing of the complaint was issued April 5, 1976 providing that any interested party may file comments concerning the complaint on or before April 22, 1976. Letter comments were filed by The Berkline Corporation which stated that "it is only fair that the monies that have been paid in excess since the date mentioned above should be reimbursed with interest." A petition to intervene was filed by Chattanooga Gas Company. A petition to intervene and comments were filed by the East Tennessee Group.[1] The East Tennessee Group states that its position "is and has been in support of that position taken by the Tennessee Public Service Commission."

A review of Tennessee PSC's complaint indicates that it is based on an uncertainty as to the scope of the proceeding in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1). Through its complaint Tennessee PSC is attempting to be made assured that it is the Commission's intention that the proceedings in those dockets encompass the issue of the justness and reasonableness of East Tennessee's treatment of demand charge credits received prior to the effective date of the PGA increase filed in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1). The Commission has already made clear that the justness and reasonableness of East Tennessee's treatment of demand charge credits received in prior periods is an issue to be investigated and determined in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1). As clearly stated by the Commission in its rehearing order of February 4, 1976 in those dockets:

"the demand charge credits heretofore received by East Tennessee must be addressed in this proceeding."

It was clearly the intention of the Commission to investigate and decide the issue of the justness and reasonableness of East Tennessee's treatment of demand charge credits received from its supplier Tennessee Natural Gas Pipeline Company in periods subsequent to January 1, 1974. We hereby reaffirm that intent. Section 154.38(d)(4) of the Commission's Regulations clearly provides that a natural gas pipeline company's purchased gas cost adjustment clause operate so as to flow through changes in its cost of purchased gas. In order to determine whether East Tennessee has fully complied with the PGA Regulations such an inquiry is necessary. In the event this Commission determines that East Tennessee has acted inconsistently with the Commission's Regulations in its past treatment of demand charge credits this Commission has full remedial authority. We shall therefore, consistent with the intent of our prior order, institute an investigation into East Tennessee's treatment of the past demand charge credits, and consolidate the proceeding, for the purposes of hearing and decision, with the pending proceedings in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1).

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act, particularly Sections 4, 5, 13, 14, and 16 thereof, that an investigation be instituted into the justness and reasonableness of East Tennessee's treatment of demand charge credits received from its supplier Tennessee Natural Gas Company subsequent to January 1, 1974, and to consolidate the investigation with the pending proceedings in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1).

(2) It is desirable and in the public interest to permit the intervention of Chattanooga Gas Company and the East Tennessee Group.

The Commission orders: (A) Pursuant to the provisions of the Natural Gas Act, particularly Sections 4, 5, 13, 14 and 16 thereof, it is hereby ordered that an investigation be instituted into the justness and reasonableness of East Tennessee's treatment of demand charge credits received from its supplier Tennessee Natural Gas Company subsequent to January 1, 1974.

(B) The investigation hereby instituted is consolidated for purposes of hearing and decision, with the pending proceeding in Docket Nos. RP71–15 and RP75–28 (PGA76–1) (DCA76–1).

(C) Chattanooga Gas Company and the East Tennessee Group are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of these intervenors shall be limited to matters effecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–19155 Filed 7–1–76;8:45 am]

[1] Knoxville Utilities Board, Athens Utilities Board, Citizens Gas Utility District, Cookeville Gas Department, City of Etowah Utilities Department, Fayetteville Gas System, Gallatin Natural Gas System, Harriman Utility Board, Hawkins County Utility District, Lenoir City Utilities Board, Lewisburg Gas Department, Loudon Utilities Board, Madisonville Gas System, First Utility District of Maury County, Middle Tennessee Utility District, Oak Ridge Utility District, Rockwood Natural Gas Company, Marion Natural Gas Jefferson-Cocke County Utility District, Sevier County Utility District, Volunteer Natural Gas Company, United Cities Gas Company, The Elk River Public Utility District.

[Docket No. RP72–99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Upon Remand by the Court of Appeals

JUNE 25, 1976.

Presently before the Commission is a remand by the United States Court of Appeals for the District of Columbia Circuit[1] ordering the Commission to find whether or not a natural gas shortage exists on the interstate pipeline system of Transcontinental Gas Pipe Line Corporation (Transco). The Court of Appeals has stated that it must first have evidence of an actual gas shortage on Transco's system before it can rule upon the consolidated appeals before it concerning the validity of the Commission's prior orders rejecting a proposed compensation provision included in a proposed interim curtailment plan settlement previously filed by Transco. We find that a natural gas shortage does in fact exist on Transco's system which has necessitated some curtailment of service.

To better understand how the Commission has arrived at this conclusion it is first advisable to review the lengthy and intricate procedural history surrounding this curtailment proceeding.

(1) Pursuant to Order No. 431,[2] Transco on May 17, 1971, tendered for filing its first permanent curtailment plan which the Commission suspended for one day and set for hearing by order of May 27, 1971, in Docket No. RP71–116. Then by order of November 15, 1971 (46 FPC 1212) the Commission conditionally approved an interim settlement agreement filed by Transco on October 26, 1971, which established a pro rata curtailment plan to be in effect from November 16, 1971, through November 15, 1972, and it accordingly terminated that docket.

(2) Thereafter on January 17, 1972, Transco tendered for filing its second proposed permanent curtailment plan which the Commission by order of February 16, 1972, again suspended and set for hearing in Docket No. RP72–99. Thereafter by order of November 15, 1972, (48 FPC 1060) the Commission approved a second interim settlement agreement, this time filed by Transco on September 12, 1972. This settlement provided an interim pro rata curtailment plan to be in effect from November 16, 1972, through November 15, 1973.

(3) Notwithstanding the fact that the second interim settlement agreement bound Transco to file a new curtailment plan, Transco filed on May 1, 1973, a motion requesting a one-year extension of this second interim curtailment plan; however, by order of May 23, 1973, (49 FPC 1141) the Commission denied this

[1] *Transcontinental Gas Pipe Line Corporation, et al.* v. *FPC*, No. 74–2036, *et al.*, (D.C. Cir. February 6, 1976) *per curiam.*

[2] 45 FPC 570 (1971).

[3] 49 FPC 583 (1973).

motion and moreover directed Transco to file a new curtailment plan by July 1, 1973, noting in passing that Transco should consider the curtailment priorities and procedures outlined in Order No. 467–B.[3] In response thereto Transco on June 29, 1973, tendered for filing a new curtailment plan embodying Order No. 467–B priorities, but on July 6, 1973, it nevertheless renewed its motion for a one-year extension of its second interim curtailment plan. By order of July 30, 1973, (50 FPC 281) the Commission denied this renewed motion, suspended the 467–B type plan until November 16, 1973, and set the matter for hearing. Rehearing of this order was denied on September 17, 1973 (50 FPC 803). Immediately thereafter on September 18, 1973, one of Transco's direct customers, Consolidated Edison Company of New York, petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the abovementioned May 23, July 30, and September 17 orders. It also moved for stay of the same orders, which the Court of Appeals granted on November 9, 1973.[4] The Court of Appeals subsequently clarified this order [5] by stating that, while the Commission should proceed with hearings on Transco's permanent plan, the second interim curtailment plan would continue in effect pending further Court order. This appeal was ultimately denied by the Court of Appeals [6], as will be discussed in greater detail subsequently.

The second interim curtailment plan, which was originally contemplated to operate only for the period from November 16, 1972, through November 15, 1973, in fact remained in effect beyond the end of that period and through most of 1974 as well due to the continued operation of the November 9, 1973, Court-imposed stay.

(4) Having received several complaints from Transco's customers that this pro rata plan endangered high priority service in light of an increased level of curtailment, the Commission on September 12, 1974, filed a motion with the Court of Appeals requesting permission to investigate these complaints and to take appropriate action for the 1974–75 winter season. On October 4, 1974, the Court of Appeals, however, ordered that the second interim plan remain in effect until the Commission could implement a permanent plan, except that Transco was free to file a new interim plan with the Commission.

Between the Commission motion and Court order Transco had in fact on September 30, 1974, tendered for filing a third interim settlement agreement to cover the period from November 16, 1974, through November 15, 1975. This proposed interim curtailment plan basically functioned 50% on a pro rata basis and 50% on an end-use 467–B type basis. It also contained a compensation provision by which the least curtailed customers would compensate the most curtailed customers. By order of November 12, 1974, the Commission rejected this third interim settlement agreement because of the compensation provision contained therein; however, the Commission also found that in light of the deepening gas crisis on Transco's system continuation of the pro rata second interim plan would not be in the public interest. It therefore noted that it was going to seek dissolution of November 9, 1973, stay of its orders putting Transco's 467–B related plan in effect.

Although on November 13, 1974, Transco did file this 467–B type interim plan, it thereafter appealed the November 12, 1974, order and after consolidated oral agrument on November 21, 1974, the Court of Appeals on November 26, 1974,[7] modified its earlier stay of November 9, 1973, by implementing Transco's third interim settlement agreement rejected by the Commission on November 12, 1974, having found that neither the earlier pro rata second interim settlement agreement nor the 467–B type plan is appropriate under current conditions. The Court of Appeals did, however, require that all compensation provision payments be placed in escrow. The Commission complied with the *Con Ed I* order in its order of January 10, 1975, on rehearing of the November 12, 1974, order. It also found that the record of the permanent proceeding should be reopened for purposes of environmental review.

In the previously noted *Con Ed II* decision of May 28, 1975, *supra* note 6, besides affirming the Commission orders of May 23, July 30, and September 17, 1973, the Court of Appeals moreover stated that "we release our grip on the interim curtailment arrangements," noting, that the stay which imposed Transco's third interim settlement agreement would continue until the Commission moved for its dissolution. By order of July 25, 1975, the Court of Appeals went further by stating that the Commission had the authority to approve and effectuate a curtailment plan without express Court permission.

Several petitions for review of the November 12, 1974, and January 10, 1975, Commission orders rejecting the compensation provision of Transco's third interim settlement agreement were filed with the Court of Appeals. It is this appeal which is presently before the Court of Appeals and for the resolution of which this order on remand is requested.

Following oral argument of this appeal the Court of Appeals on May 28, 1975, issued an order *sua sponte* requesting the parties to supply answers to a series of questions concerning Transco's proven reserves.[8] This was followed on June 7, 1975, by an order to show cause why the Court should not require the Commission to complete within thirty days an investigation of Transco's claim of reduced reserves in light of the Commission's refusal to certify to curtailment figures it had received from Transco and had offered in answer to the Court's May 28, 1975, questions.[9]

Thereafter on August 1, 1975, the Court of Appeals in fact did issue such an order holding resolution of the appeal in abeyance pending completion of the Commission's investigation of Transco's gas supply using subpoena and field investigation.[10] The Court denied rehearing *en banc* of the order on August 28, 1975.

While the Commission commenced compliance with this Court order by ordering the Secretary to issue a *subpoena duces tecum* to Transco in the ongoing investigation into Transco's curtailment, Docket No. RP75–51, *infra*, it petitioned the Supreme Court in October 1975 for a writ of certiorari to the Court of Appeals August 1, 1975, order, *supra* note 10. By *per curiam* opinion the Supreme Court on January 19, 1976, granted the Commission's petition for certiorari, vacated the August 1, 1975, order, and remanded to the Court of Appeals either to proceed on the merits or to remand to the Commission for required inquiry into Transco's actual gas shortage.[11] It is upon this remand that the Court of Appeals upon concluding that evidence of Transco's actual gas shortage is essential, remanded the case to the Commission, *supra* note 1.

(5) By order of November 28, 1975, the Commission accepted and approved Transco's fourth interim settlement agreement, which it had introduced into evidence during the permanent plan hearings on October 15, 1975. The resulting interim curtailment plan, which is directed to protecting high end-use priority loads, is in effect from November 16, 1975, through October 1, 1976. In the meantime the proceeding to establish a permanent curtailment plan continues with Staff's environmental presentation the only unfinished segment of the hearing.

(6) A separate though related proceeding commenced when by order of January 8, 1975, the Commission instituted an investigation into the level of curtailment on Transco's system for the 1974 winter hearing season. Thereafter by order of July 1, 1975, the Commission expanded this investigation to determine the need for any curtailment at all by Transco in its deliveries to its resale customers. Then on August 8, 1975, as noted above, the Commission ordered the Secretary to issue a *subpoena duces tecum* to Transco pursuant to the August 1, 1975, order of the Court of Appeals. On

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[4] *Consolidated Edison Company of New York, Inc.* v. *FPC*, No. 73–1999 (D.C. Cir. November 9, 1973).

[5] *Consolidated Edison Company of New York, Inc.* v. *FPC*, No. 73–1999 (D.C. Cir. December 14, 1973).

[6] *Consolidated Edison Company of New York, Inc.* v. *FPC*, 512 F.2d 1332 (D.C. Cir. 1975) (Con Ed II).

[7] *Consolidated Edison Company of New York, Inc.* v. *FPC*, 511 F.2d 373 (D.C. Cir. 1974), *per curiam*. (Con Ed I).

[8] *Transcontinental Gas Pipe Line Corporation, et al.* v. *F.P.C.*, No. 74–2036 (D.C. Cir. May 28, 1975), *per curiam*.

[9] *Transcontinental Gas Pipe Line Corporation* v. *F.P.C.*, No. 74–2036 (D.C. Cir. July 7, 1975), *per curiam*.

[10] *Transcontinental Gas Pipe Line Corporation* v. *F.P.C*, No. 74–2036 (D.C. Cir. August 1, 1975), *per curiam*.

[11] *F.P.C.* v. *Transcontinental Gas Pipe Line Corporation*, 44 U.S.L.W. 3413 (U.S., January 19, 1976), *per curiam*.

the same date the Commission also ordered Transco's nineteen large producer-suppliers, which together furnish Transco with 80% of its gas supplies, pursuant to Section 10 of the Natural Gas Act to report certain preliminary information in furtherance of this Transco investigation.

Although hearings in Docket No. RP 75-51 have not been completed at this time, the parties to that proceeding have entered into a stipulation and agreement in order to assist in our expeditious response to the Court of Appeals remand, *supra* note 1, and the Presiding Administrative Law Judge in RP75-51, Curtis L. Wagner, Jr., certified (Appendix A) this stipulation and agreement, along with related portions of the record to the Commission on May 26, 1976.

Against this historic backdrop we turn to the evidence before us and conclude that Transco has both suffered in the past from and continues to suffer from an actual gas supply shortage which has necessitated the curtailment of service to both direct and resale customers. In reaching this conclusion we turn first of all to the stipulation and agreement certified to us from the record (Tr. 3131-3132) of Docket No. RP 75-51 (appendix B). We note that this stipulation is expressly limited to the "question of Transco's necessity to curtail service to its customers." In considering this stipulation our inquiry is similarly limited, and this order is in no way intended to prejudice the other issues pending in RP 75-51. We find particularly relevant and persuasive the following stipulated facts: (1) Ever since 1971 the total annual gas supply received from Transco from its producer-supplier has been declining and has been and continues to be insufficient to meet all of Transco's certificated requirements. (2) System-wide curtailment by Transco has been increasing as the flowing gas supply declines: 1971—3.9%; 1972—8.3%; 1973—13.1%; 1974—24.8%; 1975—33.7%; and 1976 (projected)—41%. (3) Evidence introduced by Commission Staff (Exh. 74; Tr. 2582, 2583, 2621) indicates that, based upon review of a sample of the fields supplying gas to Transco, Transco's deliverability projections were reasonably accurate, and Transco needed to curtail service. Although we do not rely exclusively upon the agreement of the parties in Docket No. RP75-51 that "Transco has had, and continues to have, a necessity to curtail service to its customers" (Tr. 3131), the complete absence of any opposition to and the active support by almost all parties for the stipulation and agreement (Tr. 3120-3130) (Appendix C) do enhance the veracity and significance of this document.

Our review of the certified evidence in Docket No. RP75-51 (Exh. 74; Tr. 2582, 2583, 2621) (appendix D) upon which the stipulation is predicated reinforces our finding of an actual nautral gas shortage on Transco's system necessitating curtailment. Exhibit 74, which is an affidavit of Commission Staff witness Thompson, presents the results of Staff's deliverability study. Preliminarily we agree with witness Thompson (Exh. 74, p. 2) that deliverability (the amount of gas capable of delivery in a fixed time period) evidence is more relevant to the issue of need for curtailment than is evidence on total proved reserves. Moreover, while this Staff study did not include all of the many fields supplying Transco, Staff was justified in randomly selecting certain fields.[12] After calculating the deliverability for these 18 fields for a 13 month test period Staff then compared its findings with Transco's deliverability projections and found that, while comparisons on individual fields varied to a greater degree, Staff's total deliverability figure for the 18 fields for the 13 month period (July 1975 through July 1976) was only 6.77% higher than Transco's related estimate. Staff witness Thompson concluded from these results that for these 18 fields Transco's deliverability estimates were reasonably accurate. In light of Staff witness Thompson's unimpeached expertise in gas supply matters, as well as the reliable methodology employed in Staff's study, we find that, not only were Transco's deliverability estimates reasonably accurate for the 18 fields considered, but it is also reasonable to project that Transco's estimates for the remainder of the 171 fields are sufficiently accurate for our present purposes.

Since Transco's deliverability estimates indicate its available gas supply over a fixed time period, which Transco in turn relies upon in projecting the volume and percent of curtailment (Exh. 74, p. 6), we are justified in concluding from Exhibit 74 that at least for the period from July 1975 through July 1976 Transco in fact has been experiencing a gas supply shortage which has necessitated curtailment generally to the extent projected.

The conclusions we have reached above upon analysis of Exhibit 74 are strengthened by the additional certified evidence (Tr. 2582, 2583, 2621) that a further deliverability study of another 19 fields did not alter Staff witness Thompson's conclusion.

Finally, we reference our November 28, 1975, order accepting Transco's fourth interim settlement agreement in which we found (Slip Op. at 7) that "Transco's supply situation has deteriorated within the last year . . . ," as well as finding "the existence of an emergency on Transco's system. . . ."

The Commission further finds:

Upon consideration of the mandate of the remand by the Court of Appeals and record evidence properly before the Commission we find that a natural gas supply shortage has in the past and continues to exist on Transco's system which has necessitated some curtailment of service to Transco's customers.

The Commission orders:

(A) We direct the Commission's Solicitor this day to file a motion to lodge this order and appended documents with the United States Court of Appeals for the District of Columbia Circuit.

(B) Upon the conclusion of the proceedings in Docket No. RP75-51 the Commission will issue whatever order is appropriate in light of the record evidence therein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-19157 Filed 7-1-76;8:45 am]

[Docket Nos. RP74-81, (PGA76-2), RP76-10, (PGA76-2)]

ARKANSAS LOUISIANA GAS CO.

Pipeline Rates Intervention

JUNE 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On June 2, 1976, an untimely Petition To Intervene was filed by the City of Winfield, Kansas (Winfield). Having reviewed the above petition, we believe that Winfield has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-19269 Filed 7-1-76;8:45 am]

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[12] The corpus of Staff's raw data for this study was the tremendous quantity of gas supply documents delivered pursuant to the Commission's August 8, 1975, *subpoena duces tecum, supra*. Staff determined therefrom that Transco was purchasing gas from producers out of 171 fields containing 1700 reservoirs and 3000 wells. Since this study was made in response to the Court of Appeals order directing the Commission to investigate Transco's gas supply, *supra* note 10, Staff could not determine the deliverability for all 171 fields, and it acted reasonably in randomly selecting 18 fields which produced 11.9% of Transco's available gas supply.

SUPPLY-TECHNICAL ADVISORY TASK FORCE

Meeting

The agenda for the meeting of the Supply-Technical Advisory Task Force; Nonconventional Natural Gas Resources Sub-Task Force II: Methane in Coal; in Conference Room 6200, at the Federal Power Commission, Union Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, on July 27, 1976, at 9:30 A.M.

Presiding: Thomas Jennings, National Gas Survey and Federal Power Commission Coordinating Representative and Secretary.

AGENDA

1—Call to Order, Thomas Jennings.
2—Presentation of final draft of Sub-Task Force Report, Arthur Warner, Chairman.
3—Comments from Sub-Task Force Members and Public.
4—Scheduling of Next Meeting Date.
5—Other Business.
6—Adjournment, Thomas Jennings.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19268 Filed 7-1-76;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Pipeline Rates Intervention

JUNE 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On May 14, 1976, a Motion for Leave to Intervene out of time was filed by the Public Utilities Commission of The State of South Dakota (PUCSD). Having reviewed the above motion, we believe that PUCSD has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named Commission to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19271 Filed 7-1-76;8:45 am]

[Docket Nos. RP76-71, RP71-11 (PGA76-1)]

TENNESSEE PUBLIC SERVICE COMMISSION AND TENNESSEE NATURAL GAS LINES, INC.

Order Instituting Investigation and Consolidating Proceedings

JUNE 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On March 11, 1976, the Tennessee Public Service Commission (Tennessee PSC) filed with the Commission a complaint, pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, seeking an investigation into Tennessee Natural Gas Lines, Inc.'s (Tennessee Natural) treatment of certain demand charge credits. For the reasons stated below the Commission shall institute an investigation and consolidate the proceeding with the pending proceeding in Docket No. RP71-11 (PGA76-1).

On December 1, 1975, Tennessee Natural tendered for filing in Docket No. RP71-11 (PGA76-1) alternate proposed purchased gas cost adjustment increases. The Tennessee PSC filed a notice of intervention in that proceeding and a request for suspension and hearing to determine the justness and reasonableness of the proposed adjustments. Tennessee PSC alleged that it had been Tennessee Natural's practice to retain for itself demand charge credits which it receives from its supplier Tennessee Gas Pipeline Company, while flowing through to its customers any resulting commodity increase designed to allow the pipeline supplier to recover the demand charge credits given.

By order issued December 31, 1975, the Commission rejected one alternate PGA increase, and accepted, suspended and set for hearing the other alternate PGA increase, stating, *inter alia*, that "[t]he Commision believes that [Tennessee] PSC has raised a matter of concern."

On March 11, 1976, Tennessee PSC filed a complaint in Docket No. RP76-71 for the purpose of causing Tennessee Natural to refund to its customers the full amount of all reductions and demand charges, with interest, which Tennessee Natural has received subsequent to January 1, 1974. Tennessee PSC states in its complaint that it is of the opinion that the proceedings pending in Docket No. RP71-11 (PGA76-1) will properly dispose of the demand charge reductions occurring only during 1975, but not for the period of time preceding the time period of the filing in that docket. Tennessee PSC, in requesting an investigation into the demand charge credits retained prior to the filing of Docket No. RP71-11 (PGA76-1) states that similarity of issues makes it proper to consolidate the complaint proceeding with the proceedings in Docket No. RP71-11 (PGA76-1).

A copy of Tennessee PSC's complaint was forwarded to Tennessee Natural who was directed to answer it within thirty days. No answer has been received by the Commission.

Public notice of the filing of Tennessee PSC's complaint was issued April 5, 1976, providing that any interested party may file comments concerning the complaint on or before April 22, 1976. No comments have been received by the Commission.

Upon review of Tennessee PSC's complaint the Commission concludes that it is appropriate to grant Tennessee PSC's request for an investigation into the justness and reasonableness of Tennessee Natural's treatment of demand charge credits received from Tennessee Gas Pipeline Company subsequent to January 1, 1974. Section 154.38(d)(4) of the Commission's Regulations clearly provides that a natural gas pipeline company's purchased gas cost adjustment clause operate so as to flow through changes in its cost of purchased gas. In order to determine whether Tennessee Natural has fully complied with the PGA Regulations such an inquiry is necessary. In the event this Commission determines that Tennessee Natural has acted inconsistently with the Commission's regulations in its past treatment of demand charge credits this Commission has full remedial authority.

Because the issue of the justness and reasonableness of Tennessee Natural's treatment of demand charge credits for a later period of time is an issue in Docket No. RP71-11 (PGA76-1) the Commission shall consolidate the investigation herein ordered in Docket No. RP76-71 with that pending proceeding for purposes of hearing and decision.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act, particularly Sections 4, 5, 13, 14, and 16 thereof, that an investigation be instituted into the justness and reasonableness of Tennessee Natural's treatment of demand charge credits received from its supplier Tennessee Natural Gas Company subsequent to January 1, 1974, and to consolidate the investigation with the pending proceedings in Docket No. RP71-11 (PGA76-1).

The Commission orders: (A) Pursuant to the provisions of the Natural Gas Act, particularly Sections 4, 5, 13, 14 and 16 thereof, it is hereby ordered that an investigation be instituted into the justness and reasonableness of Tennessee Natural's treatment of demand charge credits received from its supplier Tennessee Natural Gas Company subsequent to January 1, 1974.

(B) The investigation hereby instituted is consolidated for purposes of hearing and decision, with the pending

proceeding in Docket No. RP71–11 (PGA76–1).

(C) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19270 Filed 7–1–76;8:45 am]

[Docket No. RP74–52, (PGA 76–2a)]

TRANSWESTERN PIPELINE CO.

Pipeline Rates; Purchased Gas Adjustment

JUNE 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

By order issued May 20, 1976 the Commission accepted for filing a PGA rate increase proposed by Transwestern Pipeline Company (Transwestern) to be effective April 2, 1976, subject to refund.[1] In the same order the Commission accepted for filing effective April 1, 1976 a companion one day PGA increase. By joint motion dated May 26, 1976, Southern California Gas Company and Pacific Lighting Service Company (hereinafter referred to collectively as So Cal) requested clarification of the May 20 order. The Commission has concluded that the motion should be granted.

Pursuant to the Commission's order issued March 31, 1976,[2] Transwestern tendered for filing on April 20, 1976, alternate PGA rate increases in substitution for the PGA increase accepted for filing and suspended until April 2, 1976 by the same March 31 order. Each of the three alternate PGA increases filed on April 20 was accompanied by a companion increase which eliminates the impact of small producer and emergency purchases at rates in excess of the levels prescribed in Opinion Nos. 742 and 699–H, and which Transwestern proposed to make effective in substitution for the increase which the March 31 order allowed to go into effect on April 1, 1976.

By order issued May 20, 1976,[3] the Commission accepted for filing effective April 2, 1976, subject to refund, the alternate PGA increase described by the Commission as the "10.91¢ per dth PGA rate increase." (Ordering Paragraph (A), Mimeo, p. 5) In the same order the Commisison accepted the proposed companion one day PGA increase for filing effective April 1, 1976. (Id.) It should be noted that on page one of the May 20 order the Commission expressly identified the so-called "10.91¢ per dth PGA rate increase" as the increase contained in tariff sheets designated "Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6." (See Mimeo, p. 1, note 3 and accompanying text; see, also Appendix A to the May 20 order) The companion one day PGA increase accepted for filing effective April 1, 1976, was expressly identified by the Commission as the increase contained in tariff sheets designated "Alternate Substitute Second Revised Sheet Nos. 5 and 6." (See Mimeo, p. 1, note 4 and accompanying text; *see*, also, Appendix A to the May 20 order)

On May 26, 1976, So Cal filed a joint motion requesting clarification of the May 20 order. In that motion So Cal states that it does not oppose acceptance of Transwestern's proposed PGA increase contained in Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 (the increase characterized by the Commission as the "10.91¢ per dth PGA rate increase") to be effective April 2, 1976, subject to refund. However, So Cal states that the increase contained in those sheets is in fact greater than 10.91¢ per dth. According to So Cal, the characterization of the PGA increase in Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 as a 10.91¢ per dth increase may create problems for So Cal in its attempts to recover such increases through applications with the Public Utilities Commission of the State of California. A similar problem would apparently be created for So Cal with respect to the companion one day PGA increase contained in Alternate Substitute Second Revised Sheet Nos. 5 and 6, which were accepted for filing effective April 1, 1976. So Cal has therefore requested the Commission to clarify its May 20 order by specifically stating that the PGA increase accepted for filing effective April 2, 1976, subject to refund, is the increase contained in Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6; and that the PGA increase accepted for filing effective April 1, 1976, is the increase contained in Alternate Substitute Second Revised Sheet Nos. 5 and 6.

Upon consideration of So Cal's motion, the Commission has concluded that So Cal is correct in alleging that the PGA increase contained in Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 which was accepted for filing effective April 2, 1976, subject to refund is in fact in excess of 10.91¢ per dth. The Commission therefore believes that good cause exists to grant So Cal's motion for clarification.

The Commission further finds: Good cause exists to grant So Cal's motion for clarification of the May 20, 1976 order.

The Commission orders: (A) So Cal's motion for clarification of the May 20, 1976 order is hereby granted.

(B) Ordering Paragraph (A) of the Commission's order issued May 20, 1976, is hereby modified to read as follows:

(A) Transwestern's proposed PGA rate increase contained in Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 is hereby accepted for filing effective April 2, 1976, subject to refund in Docket No. RP74–52 (PGA76–2), and Transwestern's proposed companion one day PGA rate increase contained in Alternate Substitute Second Revised Sheet Nos. 5 and 6 is hereby accepted for filing effective April 1, 1976.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19272 Filed 7–1–76;8:45 am]

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[1] Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets for Filing, And Granting Interventions, Transwestern Pipeline Company, Docket No. RP74–52 (PGA76–2a).

[2] Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets For Filing, Suspending Proposed Tariff Sheets, Granting Interventions And Establishing Procedures, Transwestern Pipeline Company, Docket No. RP74–52 (PGA76–2).

[3] See Note 1, supra.

INTERNATIONAL TRADE COMMISSION

[TA–201–15]

PLANT HANGERS

Investigation and Hearings

Investigation Instituted. In view of submissions received from the firm of Knots To You, Inc., Van Nuys, California, and others, the United States International Trade Commission upon its own motion, on June 22, 1976, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether plant hangers, of wood; of vegetable fibers, of wool, or of manmade fibers; of iron or steel or of copper; or of leather or of shell; all the foregoing of the types provided for in items 206.95 and 206.98; 365.78, 365.82, 365.86, 366.79, 366.84, 367.30, and 367.60; 653.95, 654.00, and 654.05; and 791.90 and 792.50 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat, thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearings ordered. Public hearings in connection with this investigation will be held in Los Angeles, California, on August 24, 1976, at a time and place to be announced; and in Washington, D.C., at 10 a.m., e.d.t., on August 31, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearings should be received, in writing, by the Secretary of the Commission at his office in Washington not later than noon of the fifth calendar day preceding the hearing.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, and at the New York City office of the United States International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: June 29, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76–19204 Filed 7–1–76;8:45 am]

[332-45]

TEMPORARY ENTRY PROVISIONS OF TITLE 19 OF THE UNITED STATES CODE

Termination of Investigation

Notice is hereby given that the United States International Trade Commission, on June 9, 1976, terminated investigation 332-45 relating to temporary entry provisions of Title 19 of the United States Code, an investigation which the Commission instituted on its own motion on July 26, 1965, under section 332 of the Tariff Act of 1930 (30 F.R. 9503).

Reports in connection with this investigation were published by the Commission in March 1966 and May 1969 (TC Publications 170 and 286, respectively).

By order of the Commission.

Issued: June 29, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-19205 Filed 7-1-76;8:45 am]

[Investigation No. 337-TA-23]

COLOR TELEVISION RECEIVING SETS

Hearing of Oral Argument

Notice is hereby given that a Hearing of Oral Argument on Respondents' Amended Motion to Terminate [the] Proceedings and Dismiss [the] Complaint in the above-styled investigation will be held on July 8, 1976. Such Hearing will be at 10:00 a.m. in Room 331 of the International Trade Commission Building, 701 E Street, NW., Washington, D.C.

Counsel for the moving parties will be provided a total of thirty minutes in which to present their arguments. Likewise, counsel for the opposing parties will be provided a total of thirty minutes.

Should counsel for Mitsubishi Corporation and Mitsubishi International Corporation wish to present oral argument on their separate Amended Motion to Terminate [the] Proceedings and Dismiss [the] Complaint, fifteen minutes will be provided for such argument, with fifteen minutes likewise provided for the opposing counsel. Counsel for parties taking similar positions are encouraged to agree on not more than two representatives for purposes of making their argument.

Issued June 29, 1976.

Judge MYRON R. RENICK,
Presiding Officer.

[FR Doc.76-19303 Filed 7-1-76;8:45 am]

LEGAL SERVICES CORPORATION

CENTRAL MISSISSIPPI LEGAL SERVICES, INC.

Grants and Contracts

JUNE 28, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering an application for a grant submitted by the Central Mississippi Legal Services, Inc., Jackson, Mississippi.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, N.W., Suite 700, Washington D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-19295 Filed 7-1-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-58)]

SPACE PROCESSING AD HOC ADVISORY SUBCOMMITTEE

Meeting

The Space Processing ad hoc Advisory Subcommittee of the Applications Steering Committee will meet at NASA Headquarters, 600 Independence Avenue, SW., Washington, D.C. on July 19, 20, and 21, 1976. The meeting on July 19, 1976, is open to the public and will be held in Room 625T of Federal Office Building 10B. The public will be admitted to the July 19, 1976, meeting beginning 15 minutes before the scheduled start and attendance will be on a first come first serve basis. The seating capacity of Room 625T is 40 people. The Subcommittee meeting is closed to the public on July 20 and 21, 1976.

The Subcommittee will review the results of selected flight experiments and prepare recommendations on the implementation procedures for future flight experiments on July 19, 1976. On July 20 and 21, 1976, the Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Space Processing Rocket Experiment Project Announcement of Opportunity (OA-76-02).

The professional qualifications of the proposers will be candidly discussed and appraised throughout the second two days of the Subcommittee meeting. Discussions of these matters in public session would invade the privacy of the proposers and other individuals involved.

Since the Subcommittee sessions on July 20 and 21, 1976, will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), as described above, it has been determined that these sessions should be closed to the public.

The following is the approved agenda and schedule for the July 19, 20, and 21, 1976, meeting of the Space Processing ad hoc Advisory Subcommittee:

Status	Time	Subject
July 19, 1976:		
Open	8 a.m.	Introduction.
Do	8:30 a.m.	Solidification of metals and electronic materials.
		Separation of biological materials.
		Preparation of glass and ceramic materials.
Do	12 m.	Fluid dynamic phenomenon.
Do	2:30 p.m.	Break.
Do	3 p.m.	Discussions and recommendations.
Do	4:30 p.m.	Adjourn.
July 20, 1976: Closed.	8 a.m. to 4:30 p.m.	Review of experiment proposals.
July 21, 1976: Closed.	do	Do.

For further information, please call Mr. Mark B. Nolan at (202) 755-3848.

DUWARD L. CROW,
Associate Deputy Administrator.

[FR Doc.76-19182 Filed 7-1-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SPECIAL ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Special Advisory Committee on the Sacramento Peak Observatory.

Date: July 19-20, 1976.

Time: 9 a.m., July 19-20.

Place: National Science Foundation, 1800 "G" Street, NW., Room 628, Washington, D.C. 20550.

Type of meeting: Open—July 19 (9 a.m. to 5 p.m.), July 20 (9 a.m. to 4 p.m.—adjourn).

Contact person: R. R. La Count, Acting Head, Astronomy Centers Section, Room 615, Division of Astronomical Sciences, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-5712.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 212, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To review the present activity of the Sacramento Peak Observatory (SPO) and the contribution of the SPO to solar physics; also to advise on the future role of the SPO in the overall NSF program of support of solar research, including consideration of the desirable characteristics of the contractor-operator needed to manage the SPO for the National Science Foundation.

Agenda: Will include the following discussion and presentations:

JULY 19, 1976 (ROOM 628)

9 to 10:30 a.m.	Review of events related to NSF assuming responsibility for SPO.
10:30 a.m.	Summary of Federal support of solar astronomy.
12 m.	Break.
1 to 2 p.m.	Open discussion.
2 to 5 p.m.	Preliminary discussion of future role of SPO in solar astronomy.

JULY 20, 1976 (ROOM 628)

9 to 11 a.m.	Preliminary discussion of SPO future management structure.
11 a.m.	Open discussion.
12 m.	Break.
2 to 4 p.m.	Discussion of committee tasks for next meeting.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-19282 Filed 7-1-76;8:45 am]

UTILITY ADVISORY PANEL

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Utility Advisory Panel.
Date: July 22 and 23, 1976.
Time: 9 a.m. to 5 p.m.—July 22; 9 a.m. to 12 m.—July 23.
Place: National Aeronautics and Space Administration (NASA), Lewis Research Center, 21000 Brookpark Road, Rm. 215, Administration Building, Cleveland, Ohio.
Type of meeting: Open.
Contact person: Dr. Richard I. Schoen, National Science Foundation, 1800 G Street, NW., Rm. 1149, Washington, D.C. 20550, Telephone (202) 632-7364.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 212, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To review the assumptions made by, and the results of, the Energy Conversion Alternatives Study which is supported by the National Science Foundation, the National Aeronautics and Space Administration, and the Energy Research and Development Administration. As the aim of the study is to evaluate candidate coal energy conversion systems for application to electric power generation, it is necessary to ensure that the results are applicable to electric utilities.
Agenda:

JULY 22—9 A.M. TO 5 P.M.

Review and Discussion of Conceptual Design from ECAS Phase 2.
Review and Discussion of Utility Advisory Panel Studies.

JULY 23—9 A.M. TO 12 M.

Discussion of the Utility Advisory Panel Report.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JUNE 29, 1976.

[FR Doc.76-19283 Filed 7-1-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on July 19 and 20, 1976, in the Board of Directors Suite, Continental Illinois Bank and Trust Co., 20th Floor, 231 South LaSalle Street, Chicago, Illinois, beginning at 9:30 a.m. on July 19, and at 8:30 a.m. on July 20. The Board will also conduct open meetings on August 16 and 17 and September 20 and 21. The location and summarized agenda for the August and September meetings will be published in the FEDERAL REGISTER at a later date. Initial notice of the July and August meetings was published in the FEDERAL REGISTER on June 3, 1976.

The summarized agenda for the July meeting is as follows:

1. Discussion of Board's report to the Securities and Exchange Commission on in-house agency cross transactions in listed securities by exchange members;
2. Discussion of off-board principal transactions in listed securities by exchange members;
3. Report on meetings with the Board's Technical Consultants;
4. Discussion of the submission of the Securities Industry Association; and
5. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C., 20549.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 28, 1976.

[FR Doc.76-19345 Filed 7-1-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 29, 1976, at 9 a.m., the Hartford, Connecticut, Regional Office Station Committee on Educational Allowances shall at Room 144, Veterans Administration Regional Office, 450 Main Street, Hartford, Connecticut, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Bridgeport School of Beauty Culture, 1202 Main Street, Bridgeport, Connecticut, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 25, 1976.

JOSEPH M. CARD, Jr.,
Director, VA Regional Office.

DOUGLAS L. WEBER,
Chief, Administrative Division.

[FR Doc.76-19140 Filed 7-1-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Fiscal Year 1977 State Planning Estimates, Programs and Areas To Be Renewed Without Recompetition, and Areas Open for Competition

Pursuant to 29 CFR 97.211, the Employment and Training Administration announces:

1. *Fiscal Year 1977 State Planning Allocations.*

Planning estimates are announced for planning purposes only and are subject to congressional action on the Fiscal Year 1977 appropriation for the Department of Labor, Employment and Training Administration, CETA. The total amount of planning estimates listed below, $53,719,900, is 85 percent of the total amount planned for all section 303 purposes in Fiscal Year 1977.

The apportionment of the planning estimate amounts for 49 States and Puerto Rico is based (except Hawaii) on each State's percentage of the nation's farmworkers and on each State's hold harmless level of 90 percent of the Fiscal Year 1976 allocation. These estimates are based upon the same data source utilized for the Fiscal Year 1976 estimates. (A description of this data source and the rationale for using it are set forth in the FEDERAL REGISTER, Volume No. 144, page 31293, Friday, July 25, 1975.)

Eligible applicants should use the following State planning estimates in developing Fiscal Year 1977 funding requests:

State	Fy 1977 allocation
Alabama	685,800
Arizona	1,035,000
Arkansas	1,017,900
California	8,483,000
Colorado	767,700
Connecticut	261,900
Delaware	90,000
Florida	3,459,600
Georgia	1,040,400
Hawaii	360,000
Idaho	528,300
Illinois	1,017,100
Indiana	818,000
Iowa	1,215,200
Kansas	557,800
Kentucky	912,600
Louisiana	761,400
Maine	255,600
Maryland	362,500
Massachusetts	283,500
Michigan	890,100
Minnesota	1,238,700
Mississippi	1,017,900
Missouri	839,600
Montana	384,300
Nebraska	572,400
Nevada	72,900
New Hampshire	56,700
New Jersey	469,800
New Mexico	729,000
New York	1,020,800
North Carolina	4,311,900
North Dakota	294,300
Ohio	980,400
Oklahoma	525,600
Oregon	830,700
Pennsylvania	1,119,400
Rhode Island	45,000
South Carolina	942,300
South Dakota	454,500
Tennessee	743,400
Texas	5,514,300
Utah	372,600
Vermont	191,600
Virginia	852,300
Washington	1,513,800
West Virginia	165,600
Wisconsin	1,512,900
Wyoming	188,100
Puerto Rico	1,955,700
National total	53,719,900

2. *Areas Programs to be renewed without recompetition.* The Secretary of Labor will exercise the option contained in 29 CFR 97.219, to negotiate FY 77 grants without recompetition for existing sponsors who were ranked among the top 20 percent in the Fiscal Year 1976 applicant review process and whose performance has been, and continues during the grant negotiation period to be, at an acceptable level. (If prior to award of grant, a sponsor's performance is determined not to be acceptable, the Secretary may invite proposals for that area from other organizations and with or without a panel review negotiate a grant with one or more proposers pursuant to 29 CFR 92.217.) These are:

States	Sponsor	Areas	Fiscal year 1976 area funding level
California	City of Stockton	County of San Joaquin	$500,688
Do	Opportunities Industrialization Center.	Counties of Santa Clara, San Benito, Santa Cruz, Monterey, and Alameda.	981,270
Do	Proteus Adult Training, Inc.	Counties of Tulare and Kings	1,173,039
Do	Greater California education project.	Counties of Fresno, Kern, Madera, Merced, San Luis Obispo, Santa Barabra, Stanislaus, and Ventura.	3,355,028
Do	Inland Manpower Association	Counties of Riverside and San Bernardino	421,891
Do	North Bay Human Development Corp.	Counties of Sonoma, Solano, Napa, Contra Costa, Lake, and Mendocino.	693,900
Idaho	Idaho Migrant Council	Statewide	587,000
Illinois	Illinois Migrant Council	do	989,000
North Carolina	Migrant and seasonal farmworkers.	do	4,791,000
New York [1]	Program Funding, Inc	Statewide except for Wayne and Suffolk Counties.	959,000
Texas [1]	Associated City-County Economic Development Corp.	Counties of Hidalgo, Cameron, and Willacy	1,717,000
Washington	Northwest rural opportunities.	Statewide	1,682,000

[1] Planning estimates are reduced from fiscal year 1976 for New York and Texas.

These funding levels are for planning purposes only and are not to be interpreted as a funding commitment by the Department.

All programs to be renewed are required to submit an updated comprehensive plan for Fiscal Year 1977 and, in addition, are subject to the requirements set forth in 29 CFR 97.217 covering negotiation of final grant which includes provisions for the failure of negotiations to result in an acceptable, negotiated grant.

3. *Areas Open for Competition.* (a) All areas except those listed in Paragraph No. 2, above, are open for competition. Organizations interested in applying for these funds should consult the July 9, 1975, FEDERAL REGISTER for the procedures to be used. A notice of intent to apply, the Preapplication for Federal Assistance form, Part I (OMB No. 29–RO218), must be submitted by eligible organizations to the Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, NW., Washington, D.C. 20213, by August 1, 1976. The Preapplication must be registered or certified by the Postal Service on or before August 1, 1976, or actually received in Room 7122 before 4:00 p.m. EDT on August 2, 1976. No preapplication received after this time shall be considered for funding according to 29 CFR 97.212(b).

(b) In a State or area where no organization except the current 303 sponsor submits a Preapplication for a FY '77 grant and where the sponsor's FY '76 performance has been at an acceptable level, the Secretary may elect to negotiate FY '77 grants without submitting the funding request for panel review.

All programs to be renewed are required to submit an updated comprehensive plan for Fiscal Year 1977 and, in addition, are subject to the requirements set forth in 29 CFR 97.217 covering negotiation of final grant which includes provisions for the failure of negotiations to result in an acceptable, negotiated grant.

Signed at Washington, D.C., this 25th day of June 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.19199 Filed 7–1–76;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications Received

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The fi-

nancial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1924 (b), 1932, or 1942 (b)).

The Act requires the Secretary of Labor to determine whteher such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before July 16, 1976 to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of June, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending June 25, 1976

Name of applicant	Location of enterprise	Principal product or activity
Shelbyville nursing facility	Shelbyville, Tenn.	Nursing home facility.
Seiber Electronics Corp.	Elizabethtown, N.C.	Electromechanical assembling, welding, wire wrap, and metal stamping.
H. & W. Plastics, Inc.	Mayock, N.C.	Manufacture of fiberglass bathtubs and showers.
Macon beef packers	Macon, Mo.	Meat packing plant.
Landau Boat Co.	Lebanon, Mo.	Boat building and repairing.
Dakota Industries, Inc.	Alcester, S. Dak.	Manufacture of men's and boy's tailored and work clothing.
Tri-Miller Packing Co.	Lyrum, Utah	Meat packing plant.
American Western Co., Inc.	Dallas, Oreg.	Trucking service.

[FR Doc.76-19304 Filed 7-1-76;8:45 am]

Office of the Secretary

[TA-W-669]

ALAMO ACCESSORIES INC., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-669: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by three workers on behalf of workers and former workers producing belts, handbags and other accessories at Alamo Accessories, Inc., New York, New York, a subsidiary of Dame Belt Company, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12750). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dame Belt, Inc. and its customers, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Dame Belt and its subsidiaries, including Alamo, declined 28.1 percent in 1974 compared to 1973 and declined 2.7 percent in 1975 compared to 1974. All Alamo workers were released by January 1, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Alamo produces primarily belts and leather handbags for Dame Belt. Sales in terms of quantity of belts sold by Dame declined 27.7 percent in 1975 compared to 1974. Sales in terms of quantity of leather handbags declined 5.7 percent in 1975 compared with 1974. The production process is integrated; workers from Alamo, Dame and Mac Originals another subsidiary of Dame Belt, are shifted between the belt and handbag lines.

Total production of Dame Belt and its affiliates including Alamo in terms of quantity fell 17.0 percent in 1975 compared with 1974.

INCREASED IMPORTS

Imports of leather belts increased absolutely each year from 1971 through 1973. Imports of leather belts have increased relative to domestic production and consumption each year since 1971. The ratios of imports to domestic production and consumption increased from 7.9 percent and 7.4 percent, respectively in 1974 to 10.3 percent and 9.6 percnt, respectively in 1975.

Imports of leather handbags increased 56.8 percent in 1972 compared with 1971, decreased 8.6 percent in 1972 compared with 1972, decreased 40.9 percent in 1974 compared with 1973 and increased 19.1

percent in 1975 compared with 1974. Imports of all handbags, including those constructed of leather, increased 16.5 percent in 1972 compared with 1971, decreased 0.3 percent in 1973 compared with 1972, decreased 18.8 percent in 1974 compared with 1973 and increased 6.6 percent in 1975 compared with 1974. The ratios of imports to domestic production and consumption of all handbags increased from 70.0 percent and 41.5 percent respectively in 1974 to 76.9 percent and 43.9 percent respectively in 1975.

CONTRIBUTED IMPORTANTLY

Customers of Dame Belt's handbags indicated that in 1975, they began to shift their purchases of leather handbags away from Mac Originals, Inc. in favor of those manufactured abroad. Customers indicated that they found the prices of imported leather handbags more attractive than those domestically produced by Mac Originals, Inc. However, customers of Dame Belt Company's belts indicated they did not switch to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with handbags produced by Alamo Accessories contributed importantly to the total or partial separation of the workers of that plant. All workers of Alamo Accessories are engaged in employment related to the production of belts, handbags and other accessories, and cannot be separately identified. In accordance with the provision of the Act, I make the following certification:

All workers at the New York, New York plant of Alamo Accessories who became totally or partially separated from employment on or after March 4, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-18992 Filed 7-1-76;8:45 am]

[TA-W-216]

BYRON CLOTHING MANUFACTURING CO., SOMERVILLE, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-216: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 3, 1975 in response to a worker petition received on October 3, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing sportcoats and raincoats at Byron Clothing Manufacturing Company, Somerville, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on October 15, 1975 (40 FR 48414). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Byron Clothing Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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

Employment of production workers at Byron Clothing Mfg. Co. declined 34.4 percent from 1973 to 1974, and increased 6.7 percent in the third quarter of 1975 compared to the same period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of sportcoats and raincoats at Byron Clothing is equal to sales. In 1974 production was 32 percent lower than in 1973. Production for the third quarter of 1975 was 1.9 percent lower than production during the third quarter of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' raincoats decreased from 1973 to 1974, and their share of the domestic market decreased. The ratio of imports to domestic production decreased from 19.1 percent in 1973 to 18.7 percent in 1974. Imports of raincoats for the first seven months of 1974 were 207,900; they rose to 209,380 for the first seven months of 1975.

During the period of major layoffs, Byron shifted its production from 50 percent raincoats and 50 percent sportcoats to 100 percent raincoats. Total sales for the third quarter of 1975 were 1.9 percent lower than sales for the third quarter of 1974. Employment for the third quarter of 1975 was up 6.7 percent from the same period in 1974.

Imports of men's and boys' sportcoats decreased from 1973 to 1974, while the ratio of imports to domestic production and consumption increased from 21.1 percent and 17.4 percent, respectively, in 1973 to 22.3 percent and 18.2 percent, respectively in 1974.

The only customer which purchased sportcoats from Byron Clothing does not purchase imported sportcoats. That customer transferred purchases from Byron Clothing to another domestic contractor which produces at a lower price. The customer which purchases raincoats from Byron Clothing does not purchase imports. That customer transferred purchases from another domestic company to Byron Clothing.

CONCLUSION

After careful review of the facts obtained in the investigation, I have concluded that increases of imports like or directly competitive with men's sportcoats and raincoats produced at Byron Clothing Manufacturing Company, Somerville, Massachusetts did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 7th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-18989 Filed 7-1-76;8:45 am]

[TA-W-708]

FREDERIC H. BURNHAM CO., MICHIGAN CITY, IND.

Certification of 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-708: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing work gloves at Frederic H. Burnham Company, Michigan City, Indiana.

The notice of investigation was published in the Federal Register on April 13, 1976 (41 FR 15487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Frederic H. Burnham Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Amalgamated Clothing Workers of America, industry analysist, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Frederic Burnham Company, declined 8 percent in 1975 compared to 1974 and declined 14 percent in the first quarter of 1976 compared to the same period in 1975. Average weekly hours for all production workers declined 6 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of work gloves by Frederic Burnham declined 8 percent in 1975 compared to 1974.

Sales of work gloves by Frederic Burnham declined 19 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of work gloves increased from from 2.6 million pairs in 1971 to 5.2 million pairs in 1975. The ratios of imports of work gloves to domestic production and consumption have increased steadily from 10.0 percent and 9.1 percent, respectively, in 1971 to 25.7 percent and 20.4 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation of Frederic Burnham Company indicates that customers of the firm are reducing purchases of work gloves from Frederic Burnham while increasing purchases of imported work gloves. The customers are able to purchase work gloves from foreign sources at a lower cost. The loss of sales by Frederic Burnham resulting from increased import competition caused cutbacks in production and related employment at the plant in Michigan City, Indiana.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with work gloves produced by Frederic Burnham Company contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All employees of the Frederic Burnham Company, Michigan City, Indiana, who became totally or partially separated from employment on or after March 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-18993 Filed 7-1-76;8:45 am]

[TA-W-766]

JONES AND LAUGHLIN STEEL CORP., GAINESVILLE, TEX.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-766: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel tubing at the Jones and Laughlin Steel Corporation, Gainesville, Texas.

The notice of investigation was published in the Federal Register on April 23, 1976 (41 FR 17034). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Jones and Laughlin Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more importantly than any other cause.

The investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Gainesville plant of the Jones and Laughlin Steel Corporation increased 23.8 percent from 1973 to 1974. Average weekly hours declined 3.4 percent during the same period. From 1974 to 1975 employment declined 15.3 percent and average weekly hours declined 13.1 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of carbon tubing produced by the Gainesville plant increased 138.2 percent in value from 1973 to 1974. Sales declined 13.7 percent in value from 1974 to 1975.

Production of carbon tubing by the Gainesville plant increased 87.2 percent in quantity from 1973 to 1974 and declined 27.2 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined 0.3 percent from 1971 to 1972 and 10.9 percent from 1972 to 1973. Imports increased 13.1 percent from 1973 to 1974 and declined 13.4 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 21.5 percent and 19.2 percent, respectively, in 1974 to 22.8 percent and 20.8 percent in 1975.

CONTRIBUTED IMPORTANTLY

None of the customers indicated that they have switched purchases of carbon tubing from Jones and Laughlin to foreign sources except one which purchased small amounts of imported tubing which was not available from domestic suppliers.

Declines in purchases of tubing from Jones and Laughlin were attributed to a general business slump in 1975 and attempts to work off overloaded inventories built up in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel tubing produced at the Gainesville plant of the Jones and Laughlin Steel Corporation, Gainesville, Texas did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-18991 Filed 7-1-76;8:45 am]

[TA-W-70T]

SINGER CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on August 29, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of the San Leandro, California plant of the Singer Company engaged in employment related to the production of cables and harnesses. The notice of certification was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41574).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of the Singer Company are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 1976.

The record of the certification (TA-W-70) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-18988 Filed 7-1-76;8:45 am]

[TA-W-765]

UNITED STATES STEEL CORP., WAUKEGAN, ILL.

Notice of Determinations Concerning 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-765: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel wire and carbon steel wire at the Waukegan, Illinois plant of the United States Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17647). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corporation and its customers, the American Iron and Steel Institute, the International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met for stainless steel wire but that criterion (3) has not been met for carbon steel wire.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers icnreased 9 percent in 1974 compared with 1973. The average number of production workers declined 20 percent in 1975 compared with 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of stainless steel wire from the Waukegan plant increased 89 percent in 1974 compared to 1973 and then declined 60 percent in 1975 compared to 1974. Shipments of carbon scteel wire increased 9 percent in 1974 compared to 1973 and declined 36.1 percent in 1975 compared to 1974. The Waukegan plant discontinued producing stainless steel wire in late 1975.

INCREASED IMPORTS

Imports of stainless steel wire and wire products compared to the preceding year increased in 1973 and 1974 and then declined in 1975. Imports of stainless steel wire increased relative to domestic shipments and consumption from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 70.8 percent and 42.9 percent, respectively in 1974 to 100.5 percent and 53.0 percent, respectively in 1975.

Imports of carbon steel wire and wire products increased each year from 1972 through 1974 and then declined from 959 thousand tons in 1974 to 589 thousand tons in 1975. The ratios of imports to domestic shipments and consumption declined from 31.0 percent and 24.1 percent, respectively in 1974 to 27.9 percent and 22.2 percent, respectively in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of the Waukegan plant have decreased purchases of stainless steel wire in favor of imported stainless steel wire.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel wire produced by the Waukegan, Illinois plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of stainless steel wire at the Waukegan, Illinois plant of United States Steel Corporation who became totally or partially separated from employment on or after March 20, 1975, and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers separated on or after January 1, 1976 are denied eligibility for adjustment assistance.

I further conclude that increases of imports like or directly competitive with carbon steel wire produced at the Waukegan, Illinois plant of United States Steel Corporation did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-18990 Filed 7-1-76;8:45 am]

[TA-W-64T]

AIRCO ELECTRONICS

Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act,

on August 25, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of the Bradford, Pennsylvania plant of Airco Electronics, St. Marys, Pennsylvania, engaged in employment related to the production of carbon composition resistors, coils and capacitors. The notice of certification was published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40218).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17 (a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Airco Electronics are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the addres shown below, not later than July 12, 1976.

The record of the certification (TA-W-64) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-19183 Filed 7-1-76;8:45 am]

[TA-W-36T, 38T, 42T, 43T, 44T]

CHRYSLER CORP.

Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on August 1, 1975, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of the Mound Road Engine plant, Detroit, Michigan (TA-W-36); St. Louis Assembly plant, Fenton, Missouri (TA-W-38); Trenton Engine plant, Trenton, Michigan (TA-W-42); Lynch Road Assembly plant, Detroit, Michigan (TA-W-43); Lyons Trim plant, Lyons, Michigan (TA-W-44) of Chrysler Corporation, Highland Park, Michigan engaged in employment related to the production of intermediate automobiles, eight cylinder automobile engines and soft trim for automobiles. The notice of certification was published in the FEDERAL REGISTER on August 7, 1975 (40 FR 33292).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Chrysler Corporation are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than July 12, 1976.

The record of the certification (TA-36, 38, 42, 43, 44), containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-19184 Filed 7-1-76;8:45 am]

CRUCIBLE, INC., SPECIALTY METALS DIVISION, CHICAGO, ILLINOIS

[TA-W-875]

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 19, 1976 in response to a worker petition received on that date which was filed by three employees of the Chicago, Illinois sales office and warehouse of the Specialty Metals Division of Crucible, Incorporated on behalf of workers and former workers of the Chicago, Illinois sales office and warehouse of the Specialty Metals Division of Crucible, Incorporated, a subsidiary of Colt Industries, Pittsburgh, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24795). No public hearing was requested and none was held.

During the course of the investigation, it was established that all employees of the Chicago, Illinois sales office and warehouse of the Specialty Metal Division of Crucible Incorporated were included in the certification of eligibility for adjustment assistance on April 16, 1976 as the result of an investigation (TA-W-603) by the Office of Trade Adjustment Assistance. Therefore, this investigation has been terminated.

Signed at Washington D.C. this 18th day of June 1976.

DOMINIC SORRENTINO,
Acting Office Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-19185 Filed 7-1-76;8:45 am]

[TA-W-912]

CRUCIBLE, INC., SOLON, OHIO

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 28, 1976 in response to a worker petition received on that date which was filed by local 7822 of the United Steelworkers of America AFL-CIO on behalf of workers and former workers of the Solon, Ohio sales office of the Specialty Metals Division of Crucible, Incorporated, a subsidiary of Colt Industries, Pittsburgh, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24799). No public hearing was requested and none was held.

During the course of the investigation, it was established that Solon, Ohio is the suburb of Cleveland, Ohio in which the Cleveland district sales office of the Specialty Metals Division is located. All employees of the Cleveland facility of the Specialty Metals Division were certified eligible to apply for adjustment assistance on April 16, 1976 as a result of an investigation (TA-W-603) by the Office of Trade Adjustment Assistance, which was revised on May 18, 1976. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 18th day of June 1976.

DOMINIC SORRENTINO,
Acting Office Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-19186 Filed 7-1-76;8:45 am]

[TA-W-726]

HERCULES TROUSER CO., INC., WELLSTON, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-726: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress pants at the Hercules Trouser Company plant located in Wellston, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hercules Trouser Company, its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 21 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 21 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts increased from 1971 to 1972, decreased from 1972 through 1974, and increased 39 percent from 1974 to 1975. The ratio of imports to domestic production for men's and boys' dress and sport trousers and shorts increased from 18.2 percent in 1974 to 31.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

Hercules is a major manufacturer supplying large apparel distributors as well as small retail stores. A general survey of major retailers revealed a sharp increase in import purchases. This increase caused some of Hercules' customers to lose sales in their competitive retail market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the pants produced at the Hercules Trouser Company plant located in Wellston, Ohio contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hercules Trouser Company plant located in Wellston, Ohio who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19187 Filed 7-1-76;8:45 am]

[TA-W-727]

HERCULES TROUSER CO., INC., MANCHESTER, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-727: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress pants at the Hercules Trouser Company plant located in Manchester, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hercules Trouser Co., its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 11 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 22 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts increased from 1971 to 1972, decreased from 1972 through 1974, and increased 39 percent from 1974 to 1975. The ratio of imports to domestic production for men's and boys' dress and sport trousers and shorts increased from 18.2 percent in 1974 to 31.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

Hercules is a major manufacturer supplying large apparel distributors as well as small retail stores. A general survey of major retailers revealed a sharp increase in import purchases. This increase caused some of Hercules' customers to lose sales in their competitive retail market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the pants produced at the Hercules Trouser Company plant located in Manchester, Ohio contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hercules Trouser Company plant located in Manchester, Ohio who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19188 Filed 7-1-76;8:45 am]

[TA-W-728]

HERCULES TROUSER CO., INC., HILLSBORO, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-728: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker

petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress pants at the Hercules Trouser Company plant located in Hillsboro, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15489). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hercules Trouser Co., its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 11 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 9 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts increased from 1971 to 1972, decreased from 1972 through 1974, and increased 39 percent from 1974 to 1975. The ratio of imports to domestic production for men's and boys' dress and sport trousers and shorts increased from 18.2 percent in 1974 to 31.3 percent in 1975.

CONTRIBUTED IMPORTANTLY

Hercules is a major manufacturer supplying large apparel distributors as well as small retail stores. A general survey of major retailers revealed a sharp increase in import purchases. This increase caused some of Hercules' customers to lose sales in their competitive retail market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the pants produced at the Hercules Trouser Company plant located in Hillsboro, Ohio contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hercules Trouser Company plant located in Hillsboro, Ohio who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19189 Filed 7-1-76;8:45 am]

[TA-W-729]

HERCULES TROUSER CO., INC., FORDYCE, ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-729: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress pants at the Hercules Trouser Company plant located in Fordyce, Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on April 20, 1976 (41 FR 16622). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hercules Trouser Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 20 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 12 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts increased from 1971 to 1972, decreased from 1972 through 1974, and increased 39 percent from 1974 to 1975. The ratio of imports to domestic production for men's and boys' dress and sport trousers and shorts increased from 18.2 percent in 1974 to 31.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

Hercules is a major manufacturer supplying large apparel distributors as well as small retail stores. A general survey of major retailers revealed a sharp increase in import purchases. This increase caused some of Hercules' customers to lose sales in their competitive retail market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the pants produced at the Hercules Trouser Company plant located in Fordyce, Arkansas contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hercules Trouser Company plant located in Fordyce, Arkansas who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19190 Filed 7-1-76;8:45 am]

[TA-W-739]

HOCHSCHEID TAILORING CO., CINCINNATI, OHIO

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-739: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing made-to-measure trousers at the Hochscheid Tailoring Company, Cincinnati, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15489). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hochscheid Tailoring Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certifiation 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 of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion as not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average empolyment declined 14.8 percent from 1974 to 1975.

SALES OF PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production declined 15.3 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's custom (made-to-measure) apparel are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data of imports of men's tailored apparel. The proportion of made-to-measure apparel contained in the aggregate data on tailored apparel is not known. These aggregate data show that imports of men's and boys' tailored dress and sport trousers and shorts increased from 1971 to 1972, declined from 1972 through 1974, and increased 39 percent from 1974 to 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they do not purchase imported pants. Fashion changes and consumer preferences for tailored and casual apparel have hurt the small, custom tailors such as Hochscheid. These factors caused the separations at Hochscheid in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's pants produced at the Hochscheid Tailoring Company, Cincinnati, Ohio, did not contribute importantly to the total or partial separation of the workers at that firm.

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

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19191 Filed 7-1-76;8:45 am]

[TA-W-73T]

ION CAPACITOR CORP.

Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on September 2, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Ion Capacitor Corporation, Columbia City, Indiana engaged in employment related to the production of aluminum electrolytic capacitors. The notice of certification was published in the FEDERAL REGISTER on September 10, 1975 (40 FR 42066).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Ion Capacitor Corporation are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided,* That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 1976.

The record of the certification (TA-W-73) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-19192 Filed 7-1-76;8:45 am]

[TA-W-752]

JONES AND LAUGHLIN STEEL CORP, WILLIMANTIC, CONNECTICUT

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-752: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel bars at the Willimantic, Connecticut plant of the Jones and Laughlin Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17035). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Jones and Laughlin Steel Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm

or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (3) and (4) have not been met. The evidence developed in the Department's investigation reveals that imports of carbon steel bars declined absolutely and relatively each year compared to the previous year from 1972 through 1975. The ratios of imports to domestic shipments and consumption declined from 8.6 percent and 8.1 percent, respectively, in 1974 to 7.7 percent and 7.2 percent in 1975.

The Department's investigation further revealed that none of the customers of the Willimantic plant had switched purchases of steel bars from Jones and Laughlin to foreign sources except one which purchased insignificant amounts of imported steel. Customers indicated that declines in purchases from Jones and Laughlin were due to slumps in business and attempts to work off overstocked inventories built up in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with carbon steel bars produced by the Willimantic plant of the Jones and Laughlin Steel Corporation are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19193 Filed 7-1-76;8:45 am]

JONES AND LAUGHLIN STEEL CORP., YOUNGSTOWN, OHIO

[TA-W-767]

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-767: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon, alloy and stainless steel strip at the Youngstown, Ohio plant of Jones and Laughlin Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17034). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Youngstown plant declined 1.5 percent from 1973 to 1974. Average weekly hours declined 3.9 percent during the same period. From 1974 to 1975 employment declined 27.5 percent while average weekly hours declined 8.2 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of stainless strip at the Youngstown plant of Jones and Laughlin Steel Corporation increased 64.7 percent in value from 1973 to 1974. Sales declined 54.2 percent from 1974 to 1975.

Annual sales of alloy strip increased 31.0 percent from 1973 to 1974 declined 261 percent from 1974 to 1975.

Annual sales of carbon strip increased 25.0 percent from 1973 to 1974 and declined 24.4 percent from 1974 to 1975.

Annual production of stainless strip at the Youngstown plant increased 27.6 percent in quantity from 1973 to 1974. Production declined 57.8 percent from 1974 to 1975.

Annual production of alloy strip declined 13.3 percent from 1973 to 1974 and 24.1 percent from 1974 to 1975.

Annual production of carbon strip declined 2.3 percent from 1973 to 1974 and 28.7 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of stainless steel strip increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 percent and 6.8 percent in 1975.

Imports of alloy strip increased 388.9 percent from 1971 to 1972. Imports declined 9.1 percent from 1972 to 1973 and remained unchanged in 1974. Imports declined 10.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 2.8 percent and 3.2 percent, respectively, in 1974 to 3.7 percent and 4.2 percent in 1975.

Imports of carbon strip have decreased absolutely and relatively each year compared to the previous year from 1971 through 1975. The ratios of imports to domestic shipments and consumption decreased from 3.1 percent and 3.4 percent, respectively, in 1974 to 2.6 percent and 2.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Jones and Laughlin have indicated that they have reduced purchases from Jones and Laughlin and increased purchases of imported stainless steel strip. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel strip produced by the Youngstown, Ohio plant of the Jones and Laughlin Steel Corporation contributed importantly to the total or partial separations of the workers of that plant. All workers at the Youngstown plant are engaged in employment related to the production of carbon, alloy and stainless steel strip and cannot be separately identified. In accordance with the provisions of the Act, I make the following certification:

All workers at the Youngstown, Ohio plant of Jones and Laughlin Steel Corporation who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19194 Filed 7-1-76;8:45 am]

[TA-W-768]

JONES AND LAUGHLIN STEEL CORP., OIL CITY, PENNSYLVANIA

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-768: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon and stainless steel tubing at the Jones and Laughlin Steel Corporation, Oil City, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17034). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Jones and Laughlin Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (4) has not been met for carbon steel strip tubing and that criteria (2) and (4) have not been met for stainless steel tubing.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Oil City plant of the Jones and Laughlin Steel Corporation increased 23.8 percent from 1973 to 1974. Average weekly hours declined 3.4 percent during the same period. From 1974 to 1975 employment declined 15.3 percent and average weekly hours declined 13.1 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of carbon tubing produced by the Oil City plant increased 41.4 percent in value from 1973 to 1974. Sales declined 12.6 percent in value from 1974 to 1975.

Sales of stainless tubing by the Oil City plant increased 118.0 percent in value from 1973 to 1974 and 50 percent in value from 1974 to 1975.

Production of carbon tubing by the Oil City plant increased 10.3 percent in quantity from 1973 to 1974 and declined 19.0 percent from 1974 to 1975.

Production of stainless tubing increased 47.4 percent in quantity from 1973 to 1974 and 13.0 percent from 1974 to 1975. Stainless tubing accounts for less than 2 percent of the total tubing production at the Oil City plant.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined 0.3 percent from 1971 to 1972 and 10.9 percent from 1972 to 1973. Imports increased 13.1 percent from 1973 to 1974 and declined 13.4 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 21.5 percent and 19.2 percent, respectively, in 1974 to 22.3 percent and 20.8 percent in 1975.

Imports of stainless pipe and tubing declined 36.7 percent from 1971 to 1972 and 34.6 percent from 1972 to 1973. Imports increased 60.4 percent from 1973 to 1974 and 28.2 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 16.0 percent and 16.3 percent, respectively, in 1974 to 25.7 percent and 24.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

None of the customers contacted in this investigation indicated that they have switched purchases of carbon and stainless steel tubing from Jones and Laughlin to foreign sources except one of the customers which purchased small amounts of a type not available from domestic suppliers. Declines in purchases from Jones and Laughlin were attributed to a general slump in business in 1975 and attempts to work off overstocked inventories built up in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon and stainless steel tubing produced at the Oil City, Pennsylvania, plant of the Jones and Laughlin Steel Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-19199 Filed 7-1-76;8:45 am]

[TA-W-769]

JONES AND LAUGHLIN STEEL CORP., INDIANAPOLIS, 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-769: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon and alloy steel strip at the Jones and Laughlin Steel Corporation, Indianapolis, Indiana.

The notice of investigation was published in the FEDERAL REGISTER on May 4, 1976 (41 FR 18499). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Jones and Laughlin Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criteria (2) and (4) have not been met for alloy steel strip and that criteria (3) and (4) have not been met for carbon steel strip.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Indianapolis plant increased 18.8 percent in 1974 compared to 1973. The average number of production workers declined 35.8 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Indianapolis plant of carbon strip declined 33.5 percent from 1974 to 1975. Sales of carbon strip declined 25.3 percent during the same period.

Production of alloy strip increased 2.0 percent from 1974 to 1975. Sales of alloy strip increased 4.2 percent during this period.

INCREASED IMPORTS

Imports of alloy strip increased 388.9 percent from 1971 to 1972. Imports declined 9.1 percent from 1972 to 1973 and remained unchanged in 1974. Imports declined 10.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 2.8 percent and 3.2 percent, respectively, in 1974 to 3.7 percent and 4.2 percent in 1975.

Imports of carbon strip have decreased absolutely and relatively each year compared to the previous year from 1971 through 1975. The ratios of imports to domestic shipments and consumption decreased from 3.1 percent and 3.4 percent, respectively, in 1974 to 2.6 percent and 2.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers of the Indianapolis plant have indicated that imports have not been a factor in declining purchases of carbon and alloy strip from Jones and Laughlin. None of the customers surveyed purchased any imported carbon or alloy strip. Declines in purchases were attributed to slumps in business or to attempts to reduce excessively high inventories built up in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon and alloy steel strip produced at the Indianapolis, Indiana plant of the Jones and Laughlin Steel Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19196 Filed 7-1-76;8:45 am]

[TA-W-536]

MOTOROLA INC. SEMICONDUCTOR PRODUCTS DIVISION, PHOENIX AND MESA, ARIZONA, AUSTIN, TEXAS

Revised Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(b) of such Act, on April 7, 1976, the Department of Labor issued determinations regarding eligibility to apply for adjustment assistance applicable to former workers engaged in employment related to the production of integrated circuits at the Mesa, Arizona plant of Motorola, Inc.; former workers engaged in employment related to the production of transistors at the Phoenix, Arizona plant of Motorola, Inc.; and former workers engaged in the production of MOS circuits at the Phoenix, Arizona plant of Motorola, Inc. Notice of the Determinations was published in the Federal Register (41 FR 16630) on April 20, 1976.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed on behalf of workers and former workers producing semiconductors at the Mesa, Arizona plant of Motorola Incorporated, Chicago, Illinois. The petition was expanded to include workers at the Phoenix, Arizona and Austin, Texas plants of Motorola, Incorporated Semiconductor Products Division.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4380). No public hearing was requested and none was held.

Upon the basis of further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the determinations issued April 7, 1976 are hereby revised.

The information upon which the revised determination was made was obtained principally from officials of Motorola, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four criteria have been met for integrated circuits at the Phoenix and Mesa plants and for discrete semiconductor devices at the Phoenix plant. However for MOS circuits criterion four has not been met for the Phoenix plant and criteria one and four have not been met for the Austin plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Mesa declined 32.7 percent from 1974 to 1975. In the fourth quarter of 1974, employment declined 10.4 percent compared to the fourth quarter of 1973. Average employment of salaried workers declined 24.6 percent from 1974 to 1975.

The average number of production workers at Phoenix declined 55.2 percent from 1974 to 1975. Average quarterly employment decreased 32.6 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973. Average employment of salaried workers declined 31.0 percent from 1974 to 1975.

The Austin plant was opened in 1974. Employees were first trained in the produciton of MOS circuits at the Phoenix plant and then transferred to the Austin plant. Average quarterly employment at the Austin plant increased 400 percent in the third quarter and 128 percent in the fourth quarter of 1975 when compared to the previous quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of sales of integrated circuits declined 23.8 percent from 1974 to 1975. Sales declined 36.4 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973.

The value of sales of discrete semiconductor devices declined 23.7 percent from 1974 to 1975. Sales declined 34.4 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973.

The value of sales of MOS circuits declined 24.5 percent from 1974 to 1975. Sales 9.8 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973.

Discrete semiconductor devices (including transistors, diodes, rectifiers and other related semiconductors) are produced at the Phoenix plant. MOS circuits were produced at the Phoenix plant until mid-1975. At the time, MOS production was transferred to the new Austin plant. Integrated circuits are produced at the Mesa plant.

Certain initial operations of integrated circuit production are performed at the Phoenix plant. The Materials Group, representing approximately 10 percent of Phoenix employment, produces silicon, polysilicon wafers, and processed wafers which are later shipped to Mesa for manufacture into integrated circuits.

INCREASED IMPORTS

The original tables utilized in the trade and industry report for TA-W-536 dealing with aggregate data on integrated circuits and transistors (semiconductors) have been revised. At the time of the original investigation, quantity data on imports and domestic shipments of semiconductor devices was utilized. Certain product classifications such as integrated circuits did not have complete data on all components. In fact quantity data was not available for the entire year of 1975. Therefore in order to fill the void in the data series, estimates

based upon percentages of increases and decreases in certain components for the period 1971 through 1975 were utilized. Sources used for these estimates were trade publications and various government indices as well as industry analysts.

Subsequent to publication of the original determination on TA-W-536, Western Electronic Manufacturers' Association (WEMA), the industry association, released 1975 value data on imports and domestic shipments of semiconductor devices by product classification. These data showed an increase in the ratios of imports to domestic shipments as measured in value terms in 1975 compared to 1974. While it is conceivable that such increases may be attributable to inflation, industry sources indicated that the average price per unit actually declined in 1975. In fact, such sources reveal that price attrition was experienced during the period 1973 through 1975. Thus it can reasonably be concluded that the ratio of imports of certain semiconductor devices to domestic shipments as measured in physical units actually increased in greater quantities than published Commerce Department data reveal and increased by a greater percentage than shown in terms of value. In view of the above, therefore, value data provides that best indicator of the trend and have been substituted for quantity in the review of the original determination issued on TA-W-536.

The value of imports of integrated circuits increased 68.4 percent from 1973 to 1974 and then declined 3.7 percent from 1974 to 1975. U.S. shipments of integrated circuits declined 18.8 percent from 1974 to 1975. The ratio of imports to domestic production increased from 35.6 percent in 1973 to 50.1 percent in 1974 and increased to 59.4 percent in 1975.

The value of imports of discrete semiconductors increased 39.6 percent from 1973 to 1974 and then declined 39.9 percent from 1974 to 1975. U.S. shipments of discrete semiconductors declined 17.5 percent from 1974 to 1975. The ratio of imports to domestic production increased from 25.5 percent in 1973 to 34.7 percent in 1974 and then declined to 25.3 percent in 1975.

Contributed Importantly

The Department's investigation indicated that while the majority of Motorola's customers do not import semiconductors, their U.S. based suppliers, including Motorola, own production facilities overseas and import unfinished devices. In 1975, captive imports represented 75 percent of the total volume of integrated circuit and 67 percent of transistor imports.

In 1973, the value of Motorola's imports represented 5.5 percent of the total value of the company's semiconductor sales (including pieces produced domestically and imports). The proportion of company imports to sales increased to 7.8 percent in 1974 and 8.6 percent in 1975.

Motorola's semiconductor sales began declining in the third quarter of 1974. Imports of integrated circuits and discrete semiconductors peaked in 1974. Significant layoffs occurred at Phoenix and Mesa in November and December of 1974, and January, April, October and November 1975.

In the early 1970's the company decided to transfer MOS production from Phoenix to a new location. The semiconductor market was strong and additional capacity was needed at the Phoenix plant. Austin, Texas was selected for the new plant location because Motorola had saturated the Phoenix-Mesa labor market. The Austin facilities were completed in 1974 and plans for moving MOS production were underway. The final transfer was completed in mid-1975. Subsequent to initial start up problems, employment at Austin increased in each month from May through December 1975.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with integrated circuits produced at the Mesa and Phoenix plants and discrete semiconductor devices (including transistors, diodes, and rectifiers) produced at the Phoenix plant contributed importantly to the total or partial separations of the workers of those plants. In accordance with the provisions of the Act, I make the following revised certifications:

All workers engaged in employment related to the production of integrated circuits at the Mesa and Phoenix, Arizona plants of Motorola, Inc., who became totally or partially separated from employment on or after December 8, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974 and All workers engaged in employment related to the production of discrete semiconductor devices (transistors, diodes, rectifiers) at the Phoenix, Arizona plant of Motorola, Inc., who became totally or partially separated from employment on or after December 8, 1974 and before April 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment related to the production of discrete semiconductor devices on or after April 1, 1975 are denied certification.

It is further concluded that separations of workers engaged in the production of MOS circuits at the Phoenix, Arizona plant were related to the transfer of MOS production from Phoenix to Austin, Texas. Therefore, increases of imports like or directly competitive with MOS circuits did not contribute importantly to the total or partial separations of the employees at the Phoenix, Arizona plant and the Austin, Texas plant of Motorola.

Signed at Washington, D.C. this 18th day of June 1976.

James F. Taylor,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19197 Filed 7-1-76;8:45 am]

[TA-W-839]

PAWTUCKET FASTENERS, INC., PAWTUCKET, RHODE ISLAND

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-839: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel fasteners at Pawtucket Fasteners, Incorporated, Pawtucket, Rhode Island.

The notice of investigation was published in the Federal Register on May 21, 1976 (41 FR 20957). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of Pawtucket Fasteners, Incorporated.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The evidence developed in the Department's investigation reveals that sales and production have increased, when compared to the same quarter of the previous year, in each quarter from 1974 through the first quarter of 1976.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that sales or production at Pawtucket Fasteners, Incorporated have not decreased absolutely as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19198 Filed 7-1-76;8:45 am]

[TA-W-886]

CONTINENTAL SCREW CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 18, 1976 the Department of Labor received a petition dated June 9, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of the workers and former workers of Continental Screw Co., Inc., New Bedford, Massachusetts, a division of Amtel, Inc., Providence, R.I. (TA-W-886). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with threaded taps and threaded fasteners produced by Continental Screw Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not lattr than July 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of June 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-19291 Filed 7-1-76;8:45 am]

[TA-W-911]

CONVERSE RUBBER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 18, 1976 the Department of Labor received a petition dated June 10, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of the workers and former workers of Converse Rubber Company, Bristol Division, Bristol, Rhode Island, a wholly owned subsidiary of Eltra Corporation, New York, New York (TA-W-911). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sneakers produced by Converse Rubber Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of June 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-19292 Filed 7-1-76;8:45 am]

[TA-W-773]

CYCLOPS CORPORATION, EMPIRE-DETROIT STEEL DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-773: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed on behalf of workers and former workers producing hot and cold rolled carbon steel, silicon steel, and stainless steel sheets and coils at Empire-Detroit Steel Division of Cyclops Corporation, Mansfield, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17644). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cyclops Corporation, Empire-Detroit Steel Division and its customers, the International Trade Commission, the U.S. Department of Commerce, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that with respect to hot rolled carbon steel sheets and coils, the second and fourth criteria have not been met, and that with respect to cold rolled carbon steel, silicon steel and stainless steel sheets and coils, the fourth criterion has not been met.

SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

Employment of hourly workers at the Mansfield plant declined 26.1 percent in 1975 compared to 1974. Average weekly hours declined 6.6 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Hot rolled and cold rolled carbon steel sheets and coils accounted for about 91 percent of total production at the Mansfield plant in 1975. Sales of hot rolled carbon steel increased 37.5 percent in 1975 from 1974 and production increased 53.6 percent in 1975 from 1974. Sales and production of cold rolled carbon steel declined 28.3 percent and 25.5 percent, respectively, in 1975 compared to 1974.

INCREASED IMPORTS

Imports of carbon steel sheet and strip declined absolutely each year in the period 1971–1975. Imports declined from 7.7 million tons in 1971 to 4.4 million tons in 1975. The ratios of imports to domestic shipments and consumption were 14.9 percent and 13.0 percent, respectively, in 1975, an increase from ratios of 13.3 percent and 12.1 percent, respectively, in 1974.

Imports of silicon steel were not recorded for 1971. In 1972, 60.0 thousand tons were imported. Imports decreased absolutely and relatively through 1974. In 1975 imports increased absolutely and relatively; 41.9 thousand tons of silicon steel were imported and the ratios of imports to domestic shipments and production were 7.4 percent and 7.0 percent respectively.

In 1971, 86.6 thousand tons of stainless steel sheet were imported. Imports decreased through 1973, then increased in 1974. In 1975, imports in absolute terms, declined slightly from 1974 levels but the ratios of imports to domestic shipments and consumption were 22.4 percent and 19.1 percent, approximately twice the ratios of the previous year.

CONTRIBUTED IMPORTANTLY

Four of Mansfield's carbon steel customers reduced purchases in 1975. Three of these are auto manufacturers; their reductions in purchases are due to the decline in auto sales in 1975. All four customers reported that they did not switch to imported carbon steel. The remaining carbon steel customers did not reduce purchases of this product in 1975.

The customer accounting for 90 percent of total sales of stainless steel sheets and coils did not purchase imported stainless steel.

Silicon steel customers reported that they had been switching to a cheaper substitute steel which is domestically manufactured.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hot and cold rolled carbon steel sheets and coils, silicon steel sheets and coils and stainless steel sheets and coils produced at Empire-Detroit Steel Division of Cyclops Corporation, Mansfield, Ohio did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19293 Filed 7-1-76;8:45 am]

[TA-W-838]

DUQUESNE MINE SUPPLY CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-838: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers producing hot headed specialty bolts and related products at Duquesne Mine Supply Company, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20946). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Duquesne Mine Supply Company and the United States Steel Workers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the first criterion has not been met.

Section 222(1) of the Trade Act of 1974 states that a significant number or proportion of the workers in the workers' firm or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated. No employees of the Duquesne Mine Supply Company have been separated from the company in the last three years.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Duquesne Mine Supply Company, Pittsburgh, Pa. have not become, and are not threatened with becoming, totally or partially separated from employment at that firm as required in Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-19294 Filed 7-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 83]

ASSIGNMENT OF HEARINGS

JUNE 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 116200 (Sub-No. 2), United Parcel Service, Inc., now being assigned for continued hearing on July 7, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115826 (Sub-No. 261), W. J. Digby, Inc., now assigned July 26, 1976, at Denver, Colo. is canceled and application dismissed. F.D. 27620, Maine Central Railroad Company v. Amoskeag Company Frederick C. Dumaine and Dumaines and F.D. 27621, Amoskeag Company—Control—Maine Central Railroad Company, now being assigned for continued Pre-Hearing Conference on September 8, 1976 at 10:00 a.m. Local Time, at the Offices of the Interstate Commerce Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19179 Filed 7-1-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 25, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 12, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 22675 (Sub-No. E7), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 676, thence along Interstate Highway 676 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E8), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 676, thence along Interstate Highway 676 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E14), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 32. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E15), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 263 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to the Pennsylvania-Delaware State line, on the one hand, and, on the other, points on, north and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 69/75 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to Laredo, Tex. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Springfield, Mo., Independence, Kans., and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E35), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, south and east of a line beginning at the International Boundary line between the United States and Canada and extending along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 7, thence along New York Highway 7 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E37), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the New York-New Jersey State line and extending along New York Highway 42 to junction New York Highway 23A, thence along New York Highway 23A to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 30N, thence along New York Highway 30N to junction New York Highway 29, thence along New York Highway 29 to junction U.S. Highway 9, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E42), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at New York Highway 3 and extending along New York Highway 13 to junction New York Highway 316, thence along New York Highway 316 to junction New York Highway 46, thence along New York Highway 46 to junction New York Highway 12B, thence along New York Highway 12B to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 319, thence along New York Highway 319 to junction New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E48), filed June 4, 1976. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connectitcut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings *Household goods*, as defined by the Commission, between points

in New York on and east of a line beginning at Sackets Harbor and extending along New York Highway 3 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E49), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at Sackets Harbor and extending along New York Highway 3 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Joplin, Mo., and Independence, Kans. and points within 50 miles thereof.

No. MC 22675 (Sub-No. E50), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the New York, N.Y. Commercial Zone, as defined by the Commission, and Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Joplin, Mo. and Independence, Kans.

No. MC 22675 (Sub-No. E51), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at Sackets Harbor and extending along New York Highway 3 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E53), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the New York, N.Y. Commercial Zone, as defined by the Commission, and Nassau and Suffolk Counties, N.Y. on the one hand, and, on the other, Independence, Kans., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 22675 (Sub-No. E54), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at Sackets Harbor and extending along New York Highway 3 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E56), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of New York Highway 19, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E58), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the New York, N.Y. Commercial Zone, as defined by the Commission, and Suffolk County, N.Y., on the one hand, and, on the other, Texarkana, Ark. The purpose of this filing is to eliminate the gateways of Joplin, Mo., Independence, Kans.

No. MC 22675 (Sub-No. E59), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Kansas City, Independence, Carthage, Springfield, and Joplin, Mo., on the one hand, and, on the other, points in Texas south of Interstate Highway 40 and south and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of Independence, Kans. and points within 50 miles thereof and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E60), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Kansas City, Independence, Joplin, Carthage, and Springfield, Mo., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Independence, Kans. and points within 50 miles thereof.

No. MC 22675 (Sub-No. E61), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Conneticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction Maryland Highway 25, thence along Maryland Highway 25 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 151, thence along Maryland Highway 151 to junction Chesapeake Bay and Maryland Highway 21, thence along Maryland Highway 21 to junction Maryland Highway 20, thence along Maryland Highway 20 to junction Maryland Highway 291, thence along Maryland Highway 291 to the Maryland-Delaware State line, on the one hand, and, on the other, points in El Paso, Tex. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Springfield, Mo., Independence, Kans .and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E64), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in Illinois (Cook County). The

purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E65), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E67), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E68), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in Florida on and south of a line beginning at Naples and extending along Florida Secondary Highway 858 to junction Florida Highway 84, thence along Florida Highway 84 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 808, thence along Florida Highway 808 to Boca Raton. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E69), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 240 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 57, thence along U.S. Highway 57 to Eagle Pass, Tex. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Springfield, Mo., Independence, Kans. and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E70), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, Independence, Kans. and points within 50 miles thereof. The purpose of this filing is to eliminate the gateways of Essex County, N.J., and Joplin, Mo.

No. MC 22675 (Sub-No. E71), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware on and north of Interstate Highway 95, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Springfield, Mo., and Independence, Kans., and points within 50 miles thereof.

No. MC 22675 (Sub-No. E72), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E73), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E74), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, El Paso, Tex. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Joplin, Mo., Independence, Kans., and Pontotoc County, Okla.

No. MC 41406 (Sub-No. E85), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cleveland, Ohio, to points in Indiana on and south of a line beginning at the Indiana-Ohio State line on U.S. Highway 40, to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E86), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, Erie County, N.Y., to points in Missouri. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Gary, Ind., and plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill.

No. MC 41406 (Sub-No. E87), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, Erie County, N.Y., to points in Iowa west of a line beginning at the Iowa-Illinois State line at Keokuk, Iowa and extending along U.S. Highway 218 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Iowa Highway 13, thence along Iowa Highway 13 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Gary, Ind., and plantsite of Jones & Laughlin Steel Corporation located in Putnam Count, Ill.

No. MC 41406 (Sub-No. E88), filed November 13, 1975. Applicant: ARTIM

TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and points in Lake and Porter Counties, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Gary, Ind., Portage, Ind. (Gary, Ind.) and Sturgis, Mich.

No. MC 41406 (Sub-No. E89), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and, points in Portage, Ind., to points in Hancock, Brooke and Ohio Counties, W.Va. The purpose of this filing is to eliminate the gateway of Gary, Ind., Portage, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E90), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pittsburgh, Pa., and Youngstown, Ohio and points within 50 miles of each located in Ohio, Pennsylvania and West Virginia, to points in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E91), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pittsburgh, Pa., and Youngstown, Ohio, and points within 50 miles of each located in Ohio, Pennsylvania, and West Virginia, to points in Iowa on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Middletown, Ohio, and plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. (Hennepin, Ill.)

No. MC 41406 (Sub-No. E92), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pittsburgh, Pa., and Youngstown, Ohio, and points within 50 miles of each located in Ohio, Pennsylvania, and West Virginia, to points in that part of Iowa on and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 218 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 13, thence along Iowa Highway 13 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., and Gary, Ind.

No. MC 41406 (Sub-No. E93), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cincinnati, Ohio, to points in Illinois except those in Jasper, Crawford, Clay, Richland, Laurence, Wayne, Edwards, Wabash, Hamilton, White and Gallatin Counties, Ill. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E94), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cincinnati, Ohio, to points in Indiana on, north and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 75, thence along Indiana Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E95), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Zanesville, Ohio, to points in Indiana except those in Steuben, Lagrange, Elkhart, Marshall, Kosciusko, Noble, DeKalb, Alen, Whitley, Wabash, Huntington, Wells, Jay and Adams Counties, and that part of St. Joseph County south of Indiana Highway 4. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E96), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cambridge, Ohio to points in Illinois. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 92983 (Sub-No. E42) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 10, 1976, republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Y) *Chemicals* (except petroleum chemicals, synthetics resins and varnish), in bulk, in tank vehicles, from points in Oklahoma to points in Minnesota; (CC) (2) from points in Oklahoma located in, north and west of Delaware, Mayes, Wagoner, Muskogee, McIntosh, Pittsburg, Coal, Johnson, and Marshall Counties, to points in Indiana. The purpose of this filing is to eliminate the gateways of: (S) (4) and (5) Valley Park, Mo., a point in the St. Louis, Commercial Zone; (Y) Kansas City, Mo., Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.). The purpose of this correction is to correct the destination description. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E61) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 12, 1976, republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Y) *Chemicals*, in bulk, in tank or hopper vehicles: (9) From points in South Dakota located in and west of Marshall, Brown, Edwards, Potter, Dewey, Ziebach and Meade Counties and points in Pennington County located on and west of South Dakota Highway 79 to points in Kansas located in and east of Atchison, Jefferson, Shawnee, Osage, Lyon, Chase, Butler, and Cowley Counties (except those points in Kansas described in (8) above); and * * * The purpose of this filing is to eliminate the gateways of: (Y) points that are in both Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones (a point formerly

known as Turner, Kans.) The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC-92983 (Sub-No. E67) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 12, 1974, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Acids and chemicals*, in bulk, in tank vehicles; (3) from Port Neches, Texas, to points in Colorado on, and north of a line beginning at the Colorado-Utah State line and extend east on U.S. Highway 6 to junction with Colorado Highway 65, thence along Colorado Highway 65 to Intersection with the northern border of Delta County, thence along the northern borders of Delta, Gunnison, and Chaffee Counties to Intersection with U.S. Highway 24, thence along U.S. Highway 24 to junction with unnumbered highway at Woodland Park, thence along unnumbered highway to junction with Colorado Highway 105 near Monument, thence along Colorado Highway 105 to U.S. Highway 24, thence along U.S. Highway 24 to U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Kansas State line to points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending east along the northern and western borders of Calhoun, Greene, Macoupin, Montgomery, and Christian Counties to intersection with Illinois Highway 104, thence along Illinois Highway 104 to Illinois Highway 48, thence along Illinois Highway 48 to Illinois Highway 47, then along Illinois Highway 47 to Interstate Highway 72, thence along Interstate Highway 72 to U.S. Highway 45, thence along U.S. Highway 45 to U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 116, thence along Illinois Highway 116 to the Illinois-Indiana State line to points in Iowa, to points in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending east along U.S. Highway 40 to junction with U.S. Highway 83, thence along U.S. Highway 83 to Kansas Highway 4, thence along Kansas Highway 4 to U.S. Highway 81, thence along U.S. Highway 81 to U.S. Highway 56, thence along U.S. Highway 56 to Kansas Highway 150, thence along Kansas Highway 150, to Kansas Highway 50, thence along Kansas Highway 50 to Intersection with the western border of Franklin County, thence along the western borders of Franklin and Anderson and southern borders of Anderson and Linn Counties, to the Kansas-Missouri State line, to points in Missouri in and north of Bates, Henry, Benton, Morgan, Moniteau, Cole, Osage, Galloway, Audrain, and Pike Counties, to points in Nebraska.

(J) *Acids and chemicals* (except those commodities named in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also named in Appendix XV of the same report from points in Texas on and south of U.S. Highway 190, and on and east of U.S. Highway 96, except glycols and ethanolamines from Orange, except acids and chemicals from Jefferson and Brozoria Counties, except sulphuric acid from Fort Worth and except nitrogen compounds from North Seadrift), in bulk in tank vehicles: (14) from points in Texas located in and east of Bowie, Cass, Marion, Harrison, Gregg, Rusk, Nacogdoches, Angelina, Trinity, San Jacinto, Montgomery, Harris, Fort Bend, and Matagorda Counties, to points in Kansas located in and north of Johnson, Douglas, Shawnee, Wabaunsee, Geary, Clay, Cloud, Mitchell, Smith, and Phillips Counties, except those points in Kansas described in (13) above, points in Nebraska (except those points in Nebraska described in (13) above) and points in Colorado located in Sedgwick, Phillips, and Logan Counties * * * (16) from points in Texas located on and south of U.S. Highway 66 and in and west of Lamar, Delta, Hunt, Kaufman, Ellis, Navarro, Limestone, Robertson, Brazos, Washington, Austin, Wharton, and Jackson Counties, to points in Missouri located on and north of Interstate Highway 70 (except those points in Missouri described in (15) above); (18) from points in Texas located in and south and east of Childress, Cottle, Motley, Crosby, Lubbock, Terry, and Yoakum Counties, to points in Iowa (except those points described in (17) above); (M) *Liquid acid and chemicals*, in bulk, in tank vehicles, from points in Texas located in and west of Lamar, Delta, Hopkins, Rains, Van Zandt, Henderson, Anderson, Houston, Walker, Montgomery, and Harris Counties, to points in Rhode Island.

(EE) *Chemicals* (except petroleum and petroleum products, paint and paint materials, resins, products, and blends thereof), in bulk, in tank or hopper vehicles: (2) from Dallas, Tex., and points within 10 miles thereof to points in Connecticut, Indiana Kentucky, Michigan, Ohio, and West Virginia; The purpose of this filing is to eliminate the gateways of: (C) (3) The Olathe, Kans., and the Kansas City, Mo., Commercial zone; (J) (12)-(18) Tulsa, Okla., and the Olathe, Kans., and the Kansas City, Missouri, Commercial zone (a point formerly known as Turner, Kans.); (M) Tulsa, Okla., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.), and Muscatine, Iowa; (EE) (2) Tulsa, Okla. The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 112520 (Sub-No. E103), filed October 23, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil* obtained by chemical means (except tall oil and naval stores), in bulk, in tank vehicles, from points in Georgia on and south of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 97 to junction Georgia Highway 3, thence along Georgia Highway 3 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 35, thence along Georgia Highway 35 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction U.S. Highway 80, thence along U.S. Highway 80 to Savannah Beach, to points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 84 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E130), filed October 23, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, obtained* by chemical means (except tall oil and naval stores), in bulk, in tank vehicles, from points in Georgia on and south of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 97 to junction Georgia Highway 3, thence along Georgia Highway 3 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 35, thence along Georgia Highway 35 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction U.S. Highway 80, thence along U.S. Highway 80 to Savannah Beach, to points in Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-19181 Filed 7-1-76;8:45 am]

[Notice No 285]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before August 2, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76468, filed May 30, 1976. Transferee: HENRY F. MARTIN, doing business as HENRY MARTIN TRUCKING COMPANY, Route No. 5, Box 135, Roxboro, N.C. 27573. Transferor: LAMBERTH PLEASANT MARTIN, Route No. 5, Roxboro, N.C. 27573. Applicants' representative: Mark Galloway, Attorney at Law, P.O. Box 601, Roxboro, N.C. 27573. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128406 (Sub-No. 1), issued April 17, 1967, as follows: sand and gravel, between points in Person, Caswell, Granville, Alamance, Orange, and Durham Counties, N.C., on the one hand, and, on the other, points in Halifax County, Va. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76526, filed June 18, 1976. Transferee: KERNS TRUCKING, INC., P.O. Box 206, Kings Mountain, N.C. 28086. Transferor: CLYDE KERNS AND JAMES M. KERNS, doing business as Kerns Bros., P.O. Box 206, Kings Mountain, N.C. 28086. Applicants' representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 111268 (Sub-No. 1), issued December 27, 1956, as follows: Crushed stone, over irregular routes, from Kings Mountain and Bakers, N.C., to points and places in Spartanburg, Cherokee, York, Chester, Lancaster, Chesterfield, and Union Counties, S.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76539, filed April 22, 1976. Transferee: EL-ARK DEVELOPMENT CORPORATION, Route 4, Box 334-d, El Dorado, AR 71730. Transferor: Charles E. White, doing business as City Delivery Service, P.O. Box 486, El Dorado, AR 71730. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 127574 (Sub-No. 1), issued by the Commission, September 3, 1970, and acquired by transferor herein pursuant to approval and consummation of No. MC–FC–75425 on December 16, 1974, as follows: Concrete blocks, building blocks, masonry joint, and reinforcing and industrial sands, from El Dorado, Little Rock, and Pine Bluff, Ark., to points in that part of Louisiana on and north of U.S. Highway 190 and that part of Mississippi within a line beginning at the Mississippi-Tennessee State line and extending along Mississippi Highway 7 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana and Mississippi-Arkansas State lines to point of begining on the Mississippi-Tennessee State line, including points on such line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76545, filed June 25, 1976. Transferee: B.T.S TOW AND TRANSPORT SERVICE, INC., 282 Fifth Street, Vallejo, California 94590. Transferor: Robert E. Kukuruza, doing business as BTS, 282 Fifth Street, Vallejo, California 94590. Applicants' representative: Philip Edward Kukuruza, 282 Fifth Street, Vallejo, California 94590. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 138661 issued June 11, 1974, as follows: Wrecked driveable automobiles, in truckaway service, from San Francisco, San Jose, and Vallejo, Calif., to Troutdale, Oreg. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76548, filed June 2, 1976. Transferee: STEFAN BITTENBINDER, doing business as KRAUS TRUCKING, 27918 Ridgebluff Court, Rancho Paolos Verdes, Calif. 90274. Transferor: Josef Kraus, doing business as Kraus Trucking Co., Route 2, Box 262H, Sherwood, Oreg. 97140. Applicants' representative: Seymour L. Coblens, Attorney at Law, 510 Corbett Building, Portland, Oreg. 97204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits Nos. MC 138452 (Sub-No. 1) and MC 138452 (Sub-No. 3), issued October 4, 1974 and November 17, 1975, respectively, as follows: plastic tanks, plastic molding, plastic film, aluminum molding and fittings, hinges, screws, linoleum, adhesive, roof coating and sealer, carpets, propane tanks, particleboard furniture and particleboard counter tops, from points in Orange, San Bernardino, Los Angeles, Alameda, Contra Costra, and San Francisco Counties, Calif., to Caldwell, and Nampa, Idaho, and Portland, Oreg.; aluminum molding, aluminum windows, aluminum doors, alumium siding, aluminum coils, paste, paint, and sealer, between Gardena, Calif., and Meridian, Idaho, Aurora, Oreg., and Vancouver, Wash., between Meridian, Idaho, and Aurora, Oreg., and from Meridian, Idaho, to Hollister, Calif.; aluminum vents, from Gardena and Compton, Calif., to Meridian, Idaho, and Aurora, Oreg.; and aluminum extrustions, from Ontario, Calif., to Meridian, Idaho, and Aurora, Oreg. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76558, filed May 17, 1976. Transferee: JA MAR TOURS, INC., 53 Commerce SW., Grand Rapids, Mich. 49502. Transferor: James W. VanGemert, 53 Commerce SW., Grand Rapids, Mich. 49502. Applicants' representative: Edward Malinzak, Attorney at Law, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 130287, issued October 2, 1975, as follows: passengers and their baggage, in special and charter operations, beginning and ending at points in Kent County, Mich., and extending to points in the United States, including Alaska and Hawaii. Applicant is authorized to engage in the above specified operations as a broker at Grand Rapids, Mich. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76573, filed June 22, 1976. Transferee: NARO ENTERPRISES INC., R.D. No. 1, Gouldsboro, Pennsylvania, 18424. Transferor: Michael C. Naro, R.D. No. 1, Gouldsboro, Pennsylvania, 18424. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 66832 (Sub-No. 2), issued August 1, 1973 as follows: *Cinder and cement blocks*, from points in Wayne County, Pa., to points in New York, Pennsylvania, and New Jersey; and the operating rights of transferor, as set forth in Certificate No. MC 138836, issued May 30, 1974, as follows: *Petroleum, petroleum products, and anti-freeze preparations, in containers*, from the plant site of Texaco Inc., at Bayonne, N.J., to Scranton, Wilkes-Barre, Dallas, Nanticoke and Honesdale, Pa. and *empty containers for the above-named commodities*, from Scranton,

Wilkes-Barre, Dallas, Nanticoke, and Honesdale, Pa., to the plant site of Texaco Inc., at Bayonne, N.J.; and of a portion of the operating rights of transferor as set forth in Certificate No. MC 138836 (Sub-No. 1) issued May 3, 1976, as follows: *Coal*, from mines in Scranton, Pa. and points within 20 miles of Scranton, to Palisades Park, N.J.; *Concrete and cinder products*, from Scranton, Pa., to points in New York and New Jersey, within 100 miles thereof; and *Carnival equipment*, from points in Pennsylvania, New York, and New Jersey, within 250 miles of Scranton. The remaining portion of transferor's MC 138836 (Sub-No. 1) is being transferred in No. MC-FC-76541. Transferee presently holds no authority from this Commission.

No. MC-FC-76594, filed May 21, 1976. Transferee: SOUTHWAY TRUCKING, INC., 777 Kenyon Drive, Sumter, S.C. 29150. Transferor: I. S. Johnson, Jr., 416 S. Main Street, P.O. Box 334, Sumter, S.C. 29150. Authority sought for purchase of the operating rights of transferor, as set forth in Certificates Nos. MC 127844 Sub 1 and MC 127844 Sub 13, issued September 12, 1972, and February 14, 1973, respectively, as follows: New bedroom furniture (crated), from Mullins, S.C., to points in Connecticut, Delaware, Maryland (except Annapolis, Baltimore, Cockeysville, Laurel, and Sparrows Point), Massachusetts, Virginia (except Alexandria, Ashland, Clarendon, Clarksville, Fredericksburg, La Cross, Lawrenceville, Occoquan, Petersburg, Richmond, Rosslyn, and South Hill), and Rhode Island; antiques, used furniture, and used office equipment, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to points in Georgia, North Carolina, Florida, Alabama, and South Carolina; and new furniture, from Mullins and Nichols, S.C., to points in Alabama, Florida, and Georgia; from Dillon, S.C., to points in Alabama, Florida, Georgia, Mississippi, and Louisiana. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76617, filed June 21, 1976. Transferee: VALLEY TRUCKING SERVICE, INC., 1361 Jacqueline Drive (P.O. Box 5568), Columbus, Georgia 31906. Transferor: Register Van & Storage Company, Inc., 1361 Jacqueline Drive, Columbus, Georgia, 31906. Applicants' representative: C. E. Walker, P.O. Box 1085, 8 Eleventh Street, Columbus, Georgia 31902. Authority sought for purchase by transfere of the operating rights of transferor, as set forth in Certificate Nos. MC 128339, MC 128339 (Sub-No. 1), MC 128339 (Sub-No. 2), and MC 128339 (Sub-No. 3), issued April 3, 1967, February 22, 1971, March 20, 1973, and April 7, 1975, respectively authorizing the transportation of general commodities between specified points in Georgia and Alabama. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76621, filed June 8, 1976. Transferee: RUTH CLAWSON SHIELDS, doing business as CLAWSON TOURS, 1495 East 9th South, Salt Lake City, Utah 84102. Transferor: Vida Fox Clawson, 216 South 13th East, Salt Lake City, Utah 84102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 12708, issued December 18, 1959, as follows: Passengers and their baggage, in special and charter operations, in round-trip all-expense tours, beginning and ending at points in Utah and extending to points in the United States. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19180 Filed 7-1-76;8:45 am]

[Notice No. 84]

ASSIGNMENT OF HEARINGS

JUNE 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 9026, White Transfer And Storage Company And Allied Van Lines, Inc.—Investigation of Operations, now being assigned October 13, 1976 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 140829 Sub 8, Cargo Contract Carrier Corp., now being assigned October 14, 1976 (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

MC-F 12579, Momsen Trucking Company—Purchase—Marean R. Wrigg, Executrix of the Estate of Max Wrigg, DBA Waterloo Freight Service, and MC 124174 Sub 103, Momsen Trucking Co., now being assigned October 18, 1976 (1 week), at Lincoln, Nebraska, in a hearing room to be later designated.

MC 138875 Sub 29, Shoemaker Trucking Company, now being assigned October 13, 1976 (2 days), at Boise, Idaho, in a hearing room to be later designated.

MC 141665, Peninsula Bus Co., Inc. now being assigned September 23, 1976 (2 days) at Newark, New Jersey in a hearing room to be later designated.

MC-C 8958, Global Van Lines, Inc.—Investigation and Revocation of Certificates now being assigned September 16, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F 12799, Gaines Motor Lines, Inc.—Purchase—C & H Truck Lines, Inc., dba C & H Truck Lines and MC 93649 (Sub 18), Gaines Motor Lines, Inc. now being assigned September 21, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 121667 (Sub No. 4), Smalley Transportation Company now being assigned October 4, 1976 (1 week) at Tallahassee, Florida and will be held in a hearing room to be later designated.

MC-C-8831, Associated Truck Lines, Inc. et al. v. Lyons Transportation Lines, Inc., et al., MC 7166 Wilson Transportation Service, Inc. and MC 7163 (Sub-No. 17), Wilson Transportation Service, now assigned July 21, 1976, at Washington, D.C. is postponed to August 10, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126266 (Sub 15), Nix Transportation, Inc. now being assigned October 27, 1976 (3 days) at Salem, Oregon in a hearing room to be later designated.

MC 112989 (Sub 45), West Coast Truck Lines, Inc. now being assigned October 4, 1976 (1 week) at Salem, Oregon in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19298 Filed 7-1-76;8:45 am]

[Notice No. 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 29, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 340 (Sub-No. 40TA), filed June 21, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin St., San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2421 Continental

Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Eagle Pass, Tex., and points within a 15 mile radius to points in Illinois, Indiana, Ohio, and Michigan, and Atlanta, Ga.; Miami and Plant City, Fla.; Los Angeles and Fresno, Calif.; Louisville, Ky.; and Boston, Mass., for 180 days. Supporting shipper: Maverick Beef Packers, Inc., P.O. Box 617, Eagle Pass, Tex. 78552. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Bldg., San Antonio, Tex. 78206.

No. MC 1263 (Sub-No. 22TA), filed June 17, 1976. Applicant: McCARTY TRUCK LINE, INC., 17th & Harris Ave., Trenton, Mo. 64683. Applicant's representative: James B. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can and can ends*, from Mt. Vernon and Carthage, Mo., to Fort Madison and Fort Dodge, Iowa, for 180 days. Supporting shipper: Carnation Company, 5045 Wilshire Bldg., Los Angeles, Calif. 90036. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 83217 (Sub-No. 70TA), filed June 17, 1976. Applicant: DAKOTA EXPRESS, INC., 550 East Fifth St., South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and advertising materials and supplies* (except in bulk), from the Minneapolis, Minn., LaCrosse, Wis., and Milwaukee, Wis., Commercial Zones, to points in South Dakota; and (b) *Empty malt beverage containers*, from points in South Dakota, to the Minneapolis, Minn.; LaCrosse, Wis., and Milwaukee, Wis., Commercial Zones, for 180 days. Supporting shippers: G. Heilaman Brewing Company, 925 South 3rd St., LaCrosse, Wis. 54601. Royal Distributing, 115 Dakota St., South, Huron, S. Dak. 57350. Dutche's Distributing, 215 Market Road S.W., Huron, S. Dak. 57350. Standard Distributing, P.O. Box 832, Huron, S. Dak. 57350. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 95084 (Sub-No. 112TA), filed June 17, 1976. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse collection vehicles* under 15,000 pounds *and parts* for refuse collection vehicles, from Clarion, Iowa, to points in Arizona, California, Connecticut, Florida, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and the District of Columbia, for 180 days. Supporting shippers: Heil Co., 3000 West Montana, Milwaukee, Wis. 53201. and Hagie Manufacturing Co., Inc., Clarion, Iowa 50525. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 95876 (Sub-No. 184TA), filed June 21, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., North P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Maysville, Ala. to points in Illinois, Michigan, New York, Ohio, Indianapolis and Elkhart, Ind.; Minneapolis-St. Paul, Minn.; Boston, Mass.; Pittsburgh and Clearfield, Pa.; Green Bay and Milwaukee, Wis.; Huntington, W. Va., and their respective commercial zones, for 180 days. Supporting shipper: Giles & Kendall, Inc., P.O. Box 188, Huntsville, Ala. 35804. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 664TA), filed June 22, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds*, between Richmond, Va., on the one hand, and, on the other, Bristol, Chattanooga, Cleveland, Dyersburg, Harriman, Jackson, Knoxville, Memphis, Morristown, Nashville and Shelbyville, Tenn., and Dover, Del., for 180 days. Supporting shipper: Home Beneficial Life Insurance Company, 3901 West Broad St., Richmond, Va. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115931 (Sub-No. 39TA), filed June 21, 1976. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, Mont. 59313. Applicant's representative: William Grimshaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut log and wood buildings*, knocked down, *and materials and supplies* used in the construction, installation and erection thereof, to include windows and doors, from the plantsite of Real Log Homes, Inc., located near Missoula, Mont., to points in Arkansas, Wisconsin and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John D. Currens, General Manager, Real Log Homes, Inc., Box 1520, Missoula, Mont. 59301. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 117503 (Sub-No. 11TA) filed June 21, 1976. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C St., Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and which by reason of size or weight require the use of special equipment, and articles of unusual value), between the Seattle-Tacoma International Airport near Seattle, Wash., on the one hand, and, on the other, the San Francisco International Airport near San Francisco, Calif., and the Los Angeles International Airport near Los Angeles, Calif., serving the facilities of direct and indirect air carriers located within twenty-five (25) miles of the airports mentioned above, restricted to the transportation of traffic having a prior or subsequent movement by air, and further restricted to movements in trailers equipped with rollerized floors, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Northwest Airlines, Inc., Minneapolis-St. Paul International Airport, St. Paul, Minn. 55111. The Flying Tiger Line, Inc., San Francisco International Airport, San Francisco, Calif. 94128. Novo Airfreight Corporation, 100 Bush St., San Francisco, Calif. 94104. International Activities Corp., 903 Sneath Lane, Suite 227, San Bruno, Calif. 94066. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 117765 (Sub-No. 205TA) filed June 21, 1976. Applicant: HAHN TRUCK LINE, INC., 3515 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to point in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas, for

180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Janice Farmer, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office & Courthouse, 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 119702 (Sub-No. 48TA) filed June 17, 1976. Applicant: STAHLY CARTAGE CO., P.O. Box 486, 130A Hillsboro Ave., Edwardsville, Ill. 62025. Applicant's representative: Jeff S. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, in tank vehicles, (1) from the storage facilities utilized by Dow Chemical U.S.A. at or near St. Louis, Mo., to points in Illinois; and (2) from the storage facilities utilized by W & W Sales & Leasing Co., at or near Meredosia, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Wendell C. Wohlford, President, W & W Sales & Leasing Co., Box 486, Edwardsville, Ill. 62025, and F. W. Monahan, Field Service Rep., Dow Chemical U.S.A., 7733 Forsyth Blvd., St. Louis, Mo. 63105. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 125650 (Sub-No. 14TA) filed June 21, 1976. Applicant: MOUNTAIN PACIFIC TRUCKING CORP., 3605 Highway 10 West, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic wood filler*, in drums, in vehicles equipped with mechanical refrigeration, from Los Angeles, Calif., to points in Oregon, Washington, Idaho, and Montana, and to the United States-Canada International Boundary line at or near Blaine, Lynden and Sumas, Wash., shipments to Canada are destined to Vancouver, B.C., and the various plywood and lumber mills located throughout B.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles F. Robinson, Oregon Operations Manager, Willamette Valley Company, P.O. Box 2280, Eugene, Oreg. 97402. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 127115 (Sub-No. 12TA) filed June 14, 1976. Applicant: MILLERS TRANSPORT, INC., 510 West 4th North Ryrum, Utah 84319. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry cellular expanded plastic foam and rubber*, in cubes and padding, from Orange, Calif., to points in Utah, under a continuing contract with The General Tire & Rubber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The General Tire & Rubber Co., No. 1 General St., Akron, Ohio 44329. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 129309 (Sub-No. 2TA), filed June 21, 1976. Applicant: N & K LEASING CO., 2501 Henry St., Muskegon, Mich. 49441. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite and facilities of Huron Cement Company, at Alpena, Mich., to the International Boundary at Sault Ste. Marie, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Cement, Division of National Gypsum Co., 17515 W. 9 Mile Rd., 12th Floor Honeywell Bldg., Southfield, Mich. 48075. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 133097 (Sub-No. 14TA), filed June 21, 1976. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, Calif. 90630. Applicant's representative: Charles E. Creager, 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engines, transmissions, axles, automotive parts, carriers, pallets and skids*, between Hagerstown, Md., and Bridgewater, N.J., and their respective commercial zones, on the one hand, and, on the other, Hayward, Calif., and its commercial zone, under a continuing contract with Mack Trucks, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mack Trucks, Inc., Box M, Allentown, Pa. 18105. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138313 (Sub-No. 20 TA), filed June 21, 1976. Applicant: BUILDERS TRANSPORT, INC., 409 14th St., S.W., Great Falls, Mont. 59404. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, from the plantsite of Georgia-Pacific Corporation, at or near Himes, Wyo., to the ports of entry on the International Boundary line between the United States and Canada, located at Blaine, Sumas, Oroville, Ferry, Danville, Laurier, Frontier and Metaline Falls, Wash.; Porthill and Eastport, Idaho; and Roosville, Gateway, Piegan, Sweetgrass, Simpson, Morgan, Opheim, Scobey, and Raymond, Mont., restricted to the transportation of traffic having a subsequent movement in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roy M. Seim, Manager of Transportation Claims & Services, Georgia-Pacific Corporation, 900 S. W. Fifth Ave., Portland, Oreg. 97201. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 141363 (Sub-No. 4 TA), filed June 22, 1976. Applicant: J. M. MARC TRANSPORTATION, INC., 253 Marylou Ave., Yonkers, N.Y. 10703. Applicant's representative: Bruce J. Robbins, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials and supplies* used or useful in the manufacture and sale of paper and paper products, between the facilities of Clevepak Corp., at Piermont, N.Y., and points in the Newark, N.J., Commercial Zone, under a continuing contract with Clevepak Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clevepak Corporation, Main St., Piermont, N.Y. 10968. Send protests to: Maira Bl Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, 10007.

No. MC 142024 (Sub-No. 1 TA), filed June 21, 1976. Applicant: J. M. HUTTO, P.O. Box 1104, Holly Hill, S.C. 29059. Applicant's representative: G. Thomas Cooper, Jr., 1111 Broad St., Camden, S.C. 29020. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cut cloth and manufactured apparel goods*, between Miami, Fla., on the one hand, and, on the other, Camden, Olanta, and Heath Springs, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Skyline Manufacturing Company, Dicey Creek Road, Camden, S.C. 29020. Skyline, LTD, Heath Springs, S.C. and Avondale Manufacturing Company, Olanta, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142126 (Sub-No. 1 TA), filed June 21, 1976. Applicant: FOAM TRANSPORT, INC., Dundee Park, Andover, Mass. 01810. Applicant's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urethane foam*, loose, wrapped or in containers, between the plantsite of the GSF Corp., Andover, Mass., on the one hand, and, on the other, Bridgeport, Danbury, Hartford, Man-

chester, New Haven, Norwalk, Stamford and Waterbury, Conn.; Auburn, Augusta, Lewiston, Portland and Waterville, Maine; Claremont, Concord, Derry and Manchester, N.H.; Belleville, Camden, Elizabeth, Newark, Somerville and Trenton, N.J.; Albany, Amsterdam, Binghamton, Kingston, Newburgh and New York City, N.Y.; Lancaster, Philadelphia and Reading, Pa.; Newport, Pawtucket, Providence and Woonsocket, R.I.; and Middlebury, Vt.; and (2) *Toluene diococyanate*, in bulk, in tank vehicles, from Ashtabula and Painesville, Ohio and Washington, N.J., to the plantsite of GSF Corp., Andover, Mass., under a continuing contract with GSF Corp., Andover, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GSF Corp., 44 Lowell, Junction Road, Andover, Mass. 01810. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 142177 TA, filed June 14, 1976. Applicant: B.W.C.S., INC., 14 Park Ave., Salem, N.H. 03079. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring special equipment), between points in New Hampshire, Maine, Vermont, Massachusetts, and Rhode Island, restricted against the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and combined and each package or article shall be considered as a separate and distinct shipment, and restricted against the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. Supporting shippers: New England Executive Search of N.H. Corp., P.O. Box 228, Salem, N.H. 03079. Sta-Hi Division of Sun Chemical Corporation, 8 Capitol St., Nashua, N.H. 03060. Northeast Electronics, Div. of Northern Telecom, Airport Road, Concord, N.H. 03301. Gary E. Lewis, Inc., 16 Tavern Road, Andover, Mass. 01845. Robert S. Greenwood, dba Consumer Data Processing, 30 N. Broadway, Salem, N.H. 03079. Send protests to: Ross J. S. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142178 TA, filed June 17, 1976. Applicant: KENNETH J. PRENGER, doing business as CHERKEN TRUCK LINES, P.O. Box 1320, Columbia, Mo. 65201. Applicant's representative: Paul G. Carter, 1600 Genesee, Kansas City, Mo. 64102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the construction of heating and ventilating systems, from the plantsite of Semco Mfg., Inc., at Salisbury, Mo., to points in the United States (except Missouri, Alaska and Hawaii), under a continuing contract with Semco Mfg., Inc., for 180 days. Supporting shipper: Semco Mfg., Inc., P.O. Box 1797, Columbia, Mo. 65201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19297 Filed 7-1-76;8:45 am]

[Amdt. No. 2]

COLUMBIA RIVER TARIFF BUREAU

Application for Approval

JUNE 25, 1976.

The Commisison is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: June 1, 1976 by: Alex L. Parks, General Counsel, Columbia River Tariff Bureau, 1200 Jackson Street, Portland, Oregon 97205.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437; Provide for the manner of the election of officers; Authorize the indemnity of directors, officers, employees, and trustees of the Bureau; and restructure member dues.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commisison in writing within on or before August 2, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19299 Filed 7-1-76;8:45 am]

[Amendment No. 3]

MICHIGAN MOVER'S & WAREHOUSEMEN'S ASSOCIATION-NEW FURNITURE

Application for Approval

JUNE 25, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: April 12, 1976 by: Arthur P. Boynton, Counsel Clark, Klein, Winter, Parsons & Prewitt, 1600 First Federal Bldg., 1001 Woodward Avenue, Detroit, MI 48226. Kenneth L. Colchin, Executive Manager, Michigan Mover's & Warehousemen's Association, P.O. Box 2191, Michigan Ave. Station, Lansing, MI 48911.

The amendments involve: Changes to comply with provisions of Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before August 2, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-19300 Filed 7-1-76;8:45 am]

[Ex Parte No. 137; Service Date June 29, 1976]

CONTRACTS FOR PROTECTIVE SERVICES

Interim Report and Order of the Commission on Remand

Decided June 15, 1976. Further proceedings following remand by the United States District Court for the District of Columbia, relating to Commission disposition of issue of past non-compliance by carriers with requirements of Commission's prior report and order of August 27, 1962 (318 I.C.C. 111), ordered. Parties invited to submit comments, and informal conference scheduled.

No appearances.

This proceeding is now before the Commission upon the remand of the United States District Court for the District of Columbia, in *Southern Railway Company* v. *United States*, Civil Action No. 1776-73 (Opinion and Order filed April 6, 1976), which reviewed our report and order herein, decided August 27, 1962 (318 I.C.C. 111) (hereinafter, the "1962 Order"). As indicated in the opinion of the court, the 1962 Order, as subsequently interpreted by the Commission in an opinion rendered in a separate proceeding, No. 35515, *Contracts—Protective Service Between Pacific Fruit Express Co. and the Akron, Canton & Youngstown R. R. Co., et al.*, 340 I.C.C. 754 (hereinafter the "1972 Order"), was held to be valid and enforceable for the future (see court opinion, p. 5).[1] However, as to the past, the Court held that there were problems of possible illegality and unfairness in applying the 1962 Order as upheld to the carriers for their non-compliance thus far with the terms of the 1962 Order requiring new contracts for protective service to be entered into which supersede contracts and other arrangements theretofore made. The essence of this remand to the Commission is "to determine whether, and as of what point, plaintiffs [carriers] can be held

[1] A summary of the court decision may be found at pages 5-7 thereof.

liable for their previous non-compliance" (opinion, p. 7). The Court also suggested the use of a settlement conference to dispose of the claims involved, if possible, in order to avoid unnecessary litigation in the future (Id.). Moreover, the Court made clear that it would not enjoin enforcement of the 1962 Order pending the outcome of these proceedings on remand (Id.).

We believe that we have essentially two tasks to perform at this juncture, one involving the future course of these proceedings and the other involving the path to be taken in the remanded proceedings concerning past liability. With respect to the future, we would reemphasize our intention to continue enforcement of the 1962 Order as construed by the 1972 Order. We are not adopting any new requirements at this time, nor are any projected. However, in order to make clear our intention to proceed on this basis, we will order that the 1972 Order be incorporated herein by reference; and, further, we direct the Director of the Bureau of Enforcement to take all necessary steps to ensure compliance with the 1962 Order as interpreted by the 1972 Order. By taking these actions, we believe that we will be acting within the spirit of the Court's decision, and will also be in accord with previous enforcement efforts in *Pacific Fruit Express Co. v. Akron, Canton & Youngstown, R. R. Co.*, 355 F. Supp. 700 (N.D. Cal. 1973), affirmed, 524 F. 2d 1025 (9th Cir. 1975), cert. denied, 44 U.S. Law Week 3471 (1976). We would note also that the Court in the Southern Railway opinion found its decision upholding the Commission's 1962 Order prospectively to be consistent with the decision of the United States District Court for the Northern District of California (upheld by the Court of Appeals for the Ninth Circuit) in Pacific Fruit Express, supra, requiring the carriers there involved to proceed forthwith to enter into good-faith negotiations with Pacific Fruit Express ("PFE") aimed toward arriving at superseding contracts as required by the 1962 Order.

In order to clarify the above discussion, a brief summary of the California enforcement litigation is in order. The suit was commenced in 1965 by PFE as an action for damages under sections 8 and 9 of the Act for alleged noncompliance by 90 defendant railroads with the requirements of the 1962 Order. PFE sought the difference between sums it was collecting under old contracts and arrangements (primarily Division Sheet 7) and what it should be collecting had the railroads complied with the 1962 Order. In the alternative, PFE sought recovery under a theory of quantum meruit.

The 1972 Order of the Commission arose out of the referral of questions by the District Court for Northern California to the Commission pertaining to various provisions of the 1962 Order. As noted by the Court in the Southern Railway case, the 1972 Order at that time was intended to have application only to the PFE suit before the Court, and not to Ex Parte No. 137 in general.

On April 28, 1972, PFE amended its complaint against the 90 defendant railroads to include a claim for injunctive relief under section 16(12) of the Act. On July 19, 1972, the Commission's Bureau of Enforcement entered the action as plaintiff and filed a subsantially identical claim against the same 90 defendants. On the basis of the 1972 Order, the district court granted summary judgment to PFE and the Commission on the claim for injunctive relief (this judgment was upheld by the Ninth Circuit) and decided that the defendants were liable for damages for past non-compliance, dating back to January 1, 1964. The amount of damages has yet to be decided by the district court.

Although the 1972 Order was intended to apply only to the facts before the court in the PFE suit, certain conclusions therein spawned a new round of litigation involving the requirements of the 1962 Order (see Southern Railway opinion, p. 17, fn. 27). Moreover, since the court in Southern Railway upheld the 1962 Order as so interpreted in 1972, the latter order obviously assumes much greater importance than previously contemplated. Accordingly, we expressly incorporate the 1972 Order as having general applicability in Ex Parte 137 as an interpretative ruling on the 1962 Order, and will coordinate our future enforcement activities with this in mind. Once again, we emphasize that no new requirements are being promulgated at this time.

This leaves the task of implementing the court's remand on the issue of past liability for non-compliance with the 1962 Order. As noted by the court, this question may involve a number of different considerations, including questions of equity and possible statutory bars to imposing liability under these circumstances (see opinion, pp. 37–58). However, as we comprehend the remand, our task is to determine what liability for non-compliance may in our view exist for the period from the effective date of the 1962 Order to the present time, or for some other period within that time frame.

Without attempting to decide at this preliminary phase what should be the cut-off time before which liability for past non-compliance should not be imposed, we wish to solicit the views of the parties to this proceeding as to following possible alternatives which present themselves, as well as any others which the parties may advance:

1. The effective date of the 1962 Order—June 10, 1963.

2. January 1, 1964—the date fixed by the Court in *Pacific Fruit Express Co. v. Akron, Canton & Youngstown R. R. Co.*, 355 F. Supp. 700, 707 (N.D. Cal. 1973), after which liability attached for failure of the defendants therein to comply with the 1962 Order. See Southern Railway opinion, p. 50.

3. The filing on December 30, 1965, of Pacific Fruit Express's action for damages against the 90 defendant railroads under sections 8 and 9 of the Act, for failure to supersede contracts and arrangements under the 1962 Order.

4. The issuance by the Commission of its 1972 Order (340 I.C.C. 754) in response to questions directed to it by the California district court in the same action.

5. The filing of PFE's amendment to its complaint in the same action on April 28, 1972, to include a claim under section 16(12) of the Act for injunctive relief against the same 90 railroad defendants.

6. The filing of the complaint for injunctive relief by the Commission on July 19, 1972, in the same action against the same railroad defendants, setting forth a claim under section 16(12) of the Act for injunctive relief.

7. The entry by the United States District Court for the Northern District of California in December 1972, of its order granting summary judgment to PFE on the issue of liability for damages dating back to January 1, 1964, and to PFE and the Commission on the injunction issue, requiring superseding contracts to be effective as of January 1, 1973.

8. January 1, 1973—the effective date of contracts to be entered into pursuant to the court's order referred to in No. 7, above.

9. The issuance on March 7, 1973, of its opinion by the California district court in support of the order noted in 7, above.

10. April 6, 1976—the date of decision by the Court in the Southern Railway case.

In commenting upon the propriety of treating the above dates (or any other advanced) as the cut-off point before which liability should not attach for failure to comply with the terms of the 1962 Order, the parties are requested to consider carefully the equitable considerations raised by the Court in the Southern Railway opinion (see particularly, p. 47, fn. 75, p. 48, fn. 76).

In addition, the parties are requested to consider other matters raised by the court in connection with its remand (but which have not previously been briefed herein) including but not limited to the following:

1. Whether the analogy of section 15 (6) of the Act and the related court decisions in *Brimstone Railroad & Canal Co. v. United States*, 276 U.S. 104 (1928), and *Baltimore & Ohio R. R. Co. v. Alabama Great Southern R. R. Co.*, 505 F.2d 1265 (D.C. Cir. 1974), bar the imposition of liability for past non-compliance in this proceeding (See opinion, pp. 41–44).

2. The interrelationship between a decision by the Commission on the question of past liability for non-compliance with the 1962 Order, on the one hand, and decisions of other courts already entered which bear upon the same question. See sections 8 and 9 of the Act. In this connection, all parties to this proceeding involved in such court litigation are requested to report accurately on the status of such litigation as of the date of their statements in these remanded proceedings.

3. The progress of any further initiatives toward settlement between or

among any of the parties to this proceeding, of which the Commission has not yet been made aware to date.

In order to ensure that the record is developed fully, we will further direct that the Bureau of Enforcement be required to participate for this purpose. In addition, and in accordance with the suggestion of the Court, we will hold an informal conference on August 9, 1976, at 9:30 a.m.

An appropriate order follows.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of June 1976.

CONTRACTS FOR PROTECTIVE SERVICES

Upon the remand of the United States District Court for the District of Columbia in *Southern Railway Company* v. *United States*, Civil Action No. 1776–73, this proceeding is now before the Commission "to determine whether, and as of what point, plaintiffs can be held liable for their previous non-compliance" (court opinion p. 7) with our report and order in this proceeding at 318 I.C.C. 111 (1962). Accordingly, we are soliciting the views of the parties on what (from the effective date of the 1962 order to the present time) should be the cut-off date from which liability for past non-compliance should be imposed. We are also, in keeping with the Court's suggestion, providing for a settlement conference to help dispose of the claims involved;

Wherefore and good cause appearing therefor:

It is ordered: That the Report and Order of the Commission in No. 35515, *Contracts—Protective Service Between Pacific Fruit Express Co. and the Akron, C. & Y. R. Co.*, 340 I.C.C. 754 (1972), be, and it is hereby, incorporated herein by reference and made a part of the record in this proceeding;

It is further ordered: That all common carriers by railroad and all car line companies as designated in Appendix A be, and they are hereby, made parties in this proceeding;

It is further ordered: That any interested party may participate in this proceeding by submitting for consideration on opening statement of views regarding the proper cut-off date and other matters raised by the court, as set forth in Appendix B, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER; that replies to opening statements are due 20 days thereafter; and that an original and one copy of these views are to be filed with the Interstate Commerce Commission, Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423;

It is further ordered: That an informal conference among all parties will be held on August 9, 1976 at 9:30 a.m. at the Offices of the Interstate Commerce Commission;

It is further ordered: That the Bureau of Enforcement be, and it is hereby, directed to participate in the proceedings on remand for the purpose of developing the record herein.

And it is further ordered: That notice of this order shall be given to the general public by depositing a copy at the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

American Refrigerator Transit Company, 210 N. 13th Street, St. Louis, MO 64501.
Evergreen Freight Car Corporation, Southern Pacific Building, One Market Plaza—Room 507, San Francisco, CA 94105.
Fruit Growers Express Company, 1101 Vermont Ave. NW., Washington, D.C. 20005.
Merchants Dispatch Transportation Corp., 139 West Van Buren Street, Chicago, IL 60605.
Pacific Fruit Express Company, 116 New Montgomery Street, San Francisco, CA 94105.
Western Fruit Express Company, 1101 Vermont Ave. NW., Washington, D.C. 20006.
Maine Potato Shippers' Heater Service, Inc., Box 30, Presque Isle, ME 04709.

APPENDIX B

Parties should present their views of the following possible cut-off dates, as listed in the Interim Report of the Commission on Remand, as well as any others which the parties may advance:

1. The effective date of the 1962 Order—June 10, 1963.

2. January 1, 1964—the date fixed by the Court in *Pacific Fruit Express Co.* v. *Akron, Canton & Youngstown R.R. Co.*, 355 F. Supp. 700, 707 (N.D. Cal. 1973), after which liability attached for failure of the defendant herein to comply with the 1962 Order. See Southern Railway opinion, p. 50.

3. The filing on December 30, 1965, of Pacific Fruit Express' action for damages against the 90 defendant railroads under sections 8 and 9 of the Act, for failure to supersede contracts and arrangements under the 1962 Order.

4. The issuance by the Commission of its 1972 Order (340 I.C.C. 754) in response to questions directed to it by the California district court in the same action.

5. The filing of PFE's amendment to its complaint in the same action on April 28, 1972, to include a claim under section 16(12) of the Act for injunctive relief against the same 90 railroad defendants.

6. The filing of the complaint for injunctive relief by the Commission on July 19, 1972, in the same action against the same railroad defendants, setting forth a claim under section 16(12) of the Act for injunctive relief.

7. The entry by the United States District Court for the Northern District of California on December 11, 1972, of its order granting summary judgment to PFE on the issue of liability for damages dating back to January 1, 1964, and to PFE and the Commission on the injunctive issue, requiring superseding contracts to be effective as of January 1, 1973.

8. The issuance on March 7, 1973, of its opinion by the California district court in support of the order noted in 6, above.

9. April 6, 1976—the date of decision by the Court in the Southern Railway case.

10. April 6, 1976—the date of decision by the Court in the Southern Railway case.

In commenting upon the propriety of treating the above dates (or any other advanced) as the cut-off point before which liability should not attach for failure to comply with the terms of the 1962 Order, the parties are requested to consider carefully the equitable considerations raised by the Court in the Southern Railway opinion (see particularly, p. 47, fn. 75, p. 48, fn. 76).

In addition, the parties are requested to consider other matters raised by the court in connection with its remand (but which have not previously been briefed herein) including but not limited to the following:

1. Whether the analogy of section 15(6) of the Act and the related court decisions in *Brimstone Railroad & Canal Co.* v. *United States*, 276 U.S. 104 (1928), and *Baltimore & Ohio R. R. Co.* v. *Alabama Great Southern R. R. Co.*, 506 F. 2d 1263 (D.C. Cir. 1974), bar the imposition of liability for past noncompliance in this proceeding (See opinion, pp. 41–44).

2. The interrelationship between a decision by the Commission on the question of past liability for non-compliance with the 1962 Order, on the one hand, and decisions of other courts already entered which bear upon the same question. See sections 8 and 9 of the Act. In this connection, all parties to this proceeding involved in such court litigation are requested to report accurately on the status of such litigation as of the date of their statements in these remanded proceedings.

3. The progress of any further initiatives toward settlement between or among any of the parties to this proceeding, of which the Commission has not yet been made aware to date.

[FR Doc.76-19296 Filed 7-1-76;8:45 am]

federal register

FRIDAY, JULY 2, 1976



PART II:

COMMODITY FUTURES TRADING COMMISSION

■

ORGANIZATION, CONDUCT AND ETHICS

Adoption of Code of Conduct Establishing Ethical Standards Expected of Commission Members and Employees

Title 17—Commodity and Securities

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Adoption of Code of Conduct Establishing Ethical Standards Expected of Commission Members and Employees

During the summer of 1975 the Commodity Futures Trading Commission adopted an interim ethical conduct pledge. The pledge was signed by its members and employees and served as the temporary guide for their government employment-related conduct. The adoption and circulation of the interim ethical pledge was undertaken by the Commission in conformance with the Presidential order governing federal ethics and the implementing Civil Service Commission regulations.[1]

The Commodity Futures Trading Commission has now adopted and hereby promulgates a permanent Code of Conduct, coordinated with and approved by the Civil Service Commission, to supersede the interim pledge. The Code will henceforth be the guide to federal ethics for all Commission members and employes and all former Commission members and employees.

The Code of Conduct comprises a new Subpart C of Part 140 of Chapter I of Title 17 of the Code of Federal Regulations. The Code covers the matters to which it relates in detail. The following summary is by no means complete and is intended only as a generalized guide to the significant aspects of the Code—reference is therefore made to the complete Code itself for the actual rules and standards of conduct to be followed.

SUMMARY OF THE CODE'S PROVISIONS

Section 140.735–1 of Part 140, Subpart C cites the underlying authority for and the purpose of the Code of Conduct. Section 140.735–2 describes the need for high standards of conduct for those employed by the Commission. The goal of the Code of Conduct is to avoid actual and apparent misconduct and any conflict of interests.

Section 140.735–3 enumerates certain general prohibitions applicable to Commission members and employees such as financial or other interests which conflict or appear to conflict substantially with official responsibilities, profiting from official duties, and otherwise acting in a manner conflicting or appearing to conflict with Commission responsibilities.

Section 140.735–4 deals with business and financial matters. The section proscribes transactions involving actual commodities, with certain exceptions, and commodity futures, options and leverage contracts as well as beneficial ownership in any person or entity regulated or under investigation by or having a matter pending before the Commission and significant beneficial ownership in a person required to file reports with the Commission.

Non-government employment and other outside activity are the subject of § 140.735–5. The yardstick in this area is that no Commission member or employee engage in non-government employment, or other outside activity or affiliation, incompatible with Commission employment. Thus, for example, employment or association with any regulated person and receipt of a salary from a private source for government service are barred. Prior approval for any outside work must be obtained by all Commission employees. Teaching, lecturing and writing are encouraged with proper safeguards. Court appearances other than for the Commission are severely limited.

Negotiation by a Commission member or employee for private employment with a person with whom a member or employee is transacting official business is prohibited. See § 140.735–6. But an employee's supervisor may relieve an employee of a Commission assignment involving the potential private employer and thus clear the way for private employment negotiations.

Section 140.735–7 describes the statement of employment and financial interests required of all Executive level Commission employees, all Commission employees of GS–13 grade and above, attorneys, auditors and investigators of GS–11 and GS–12 grades, and all other employees determined by the Commission in consultation with the Civil Service Commission to be properly subject to filing of the statement. The section also establishes a procedure for review of the statement to ascertain whether any conflict of interests or any apparent conflict exists. The statements are to be submitted to the Director of Personnel.

Section 140.735–8 mandates that a Commission member or employee not accept any gift or other thing of more than nominal value from any person regulated by or having business with the member or employee or the Commission. That section also excepts, among others, gifts predicated upon obvious family or personal relationships, infrequent meals, unsolicited advertising gifts of nominal value, and customary bank loans on customary terms. Voluntary donations may not be accepted unless specifically authorized by law.

Commission employees are not to divulge confidential or nonpublic information. Section 140.735–9. Subpoenas requiring disclosure of nonpublic information are to be resisted and the Commission promptly and fully informed of the situation.

Practice by former Commission members and employees is the subject of § 140.735–10. The first part of that section bars any former Commission member or employee from appearing before the Commission in a representative capacity with regard to any particular matter the member or employee personally considered or gained nonpublic knowledge of while working for the Commission. A similar, more limited one-year bar applies to matters which were within the official responsibility of a former member or employee while at the Commission. In addition, a filing procedure of two years duration is set up for former members and employees. Any such person contemplating an appearance before the Commission within two years of his departure from the Commission must file a statement setting forth the facts and justifying the representation before the Commission in light of this section. Finally, advisory rulings are available to former members and employees in doubt as to the applicability of the section.

Matters in which Commission employees, or their immediate families, have a personal interest are handled in § 140.735–11. The employee presented with an assignment for the Commission on a matter in which he has a personal stake must divulge his personal interest in a written statement to his division director or other office head. The employee may or may not be relieved of his assignment depending on the degree of conflict or appearance of conflict of interests involved, the extent to which the employee's work on the assignment can be supervised, and the difficulty in assigning the matter to another employee. The General Counsel is to receive the written report of the employee if he is not relieved of his assignment.

General statutes applicable to the conduct of federal employees are identified and citations set forth in § 140.735–12.

"Special Government employees" of the Commission, as defined in 18 U.S.C. 202, are alerted to those Code of Conduct provisions applicable to them in § 140.735–13. With minor exceptions, all the provisions of the Code are applicable, but the financial statement required of special Government employees is less comprehensive than that required of those regular Commission employees subject to the statement filing requirement. The Commission may waive the filing requirement as to non-consultant or non-expert special Government employees.

Miscellaneous conduct standards are set forth in § 140.735–14 including the prohibition of: gifts by employees to other employees in a higher position, except for token remembrances or gifts of nominal value in the case of death, marriage, birth, etc.; gifts from foreign governments; gambling; conduct prejudicial to the government; misuse of government property; failure to pay valid debts; and nepotism.

Section 140.735–15 states that violation of the Code of Conduct regulations may be cause for disciplinary and remedial action. Remedial action designed to end a conflict of interests or an apparent conflict of interests includes changes in assigned duties, disposition or divestment by the employee of his conflicting interest, disciplinary action, or disqualification from a particular assignment.

The final section of the Code of Conduct, § 140.735–16, establishes the coun-

[1] Executive Order 11222 Prescribing Standards of Ethical Conduct for Government Officers and Employees (May 8, 1965, 30 FR 6469) and 5 CFR Part 735—Employee Responsibilities and Conduct.

seling system which will provide interpretative and counseling services needed under the Code. Thus, employees wishing to discuss ethical problems or the applicability of the Code to a particular situation will be able to receive authoritative advice. The General Counsel to the Commission will be the Counselor with respect to the Code of Conduct and Regional Deputy Counselors will be appointed for each region. The section further provides for notification of the availability of employee counseling services and distribution of copies of the Code of Conduct to each employee. Communications of employees to counselors during counseling are to be confidential save for evidence of criminal violations or as deemed necessary by the Commission in order to carry out the purposes of the Code of Conduct.

Chapter I of Title 17 of the Code of Federal Regulations is amended by adding a new Subpart C to Part 140, reading as follows:

Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

Sec.

140.735–1 Authority and purpose.
140.735–2 Policy and enforcement.
140.735–3 General provisions.
140.735–4 Business and financial transactions and interests.
140.735–5 Non-governmental and other outside activity.
140.735–6 Negotiation for private employment.
140.736–7 Statement of employment and financial interests.
140.735–8 Acceptance of things of value.
140.735–9 Disclosure of information.
140.735–10 Practice by former members and employees of the Commission.
140.735.11 Action in case of personal interest.
140.735–12 Statutory provisions applicable to conduct of Commission members and employees.
140.735–13 Special Government employees.
140.735–14 Other standards of conduct.
140.735–15 Disciplinary and other remedial action.
140.735–16 Interpretative and advisory service.

Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

§ 140.735–1 Authority and purpose.

This subpart, adopted by the Commodity Futures Trading Commission on June 25, 1976, establishes standards of ethical conduct required of members, employees and special Government employees, and regulations concerning former members, employees and special Government employees of the Commodity Futures Trading Commission. It implements Executive Order No. 11222 (May 8, 1965, 30 FR 6469) and Civil Service Commission Regulations (5 CFR Part 735) adopted pursuant to that Order. In addition, the subpart contains references to various statutes governing employee conduct in order to aid members and employees in their understanding of statutory restrictions and requirements.[1]

§ 140.735–2 Policy and enforcement.

The maintenance of high standards of honesty, integrity, impartiality, and conduct by Government's employees is essential to assure the proper performance of the Government's business and the maintenance of confidence by citizens in their Government. In a regulatory agency such as the Commission, whose actions affect the business and financial interesst of a large number and variety of persons, it is particularly important that every employee be completely impartial, honest and above suspicion of improper conduct. Accordingly, the Commission requires that its employees strictly adhere to the highest standard of ethical conduct in all their business and off-the-job activities, relationships and interests, as well as in their official actions. All Commission employees shall exercise their informed judgment to avoid situations that might result in actual or apparent misconduct or conflict of interests.

§ 140.735–3 General provisions.

(a) *Applicability.* For the purposes of this section, members and employees of the Commission should be aware that the financial interests and business matters or transactions of their spouses, minor children or other relatives who are residents of their immediate households will be regarded, absent compelling countervailing reasons, as those of the member or employee.

(b) *Prohibitions.* A member or employee of the Commission shall not:

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

(2) Engage in, directly or indirectly, a personal business matter or transaction, or private arrangement for gain or profit, which accrues as a result of or is based upon his official position or authority, or upon confidential or nonpublic information that he has gained by reason of such position or authority;

(3) Act in or on any manner, whether or not specifically prohibited by this section, which might result in, or create the appearance of: (i) Using public office for private gain; (ii) giving preferential treatment to any person; (iii) impeding Government efficiency or economy; (iv) losing complete independence or impartiality; (v) making a Government decision outside official channels; or (vi) affecting adversely the confidence of the public in the integrity of the Government; or

(4) Act in or on any official matter with respect to which there exists a personal interest that would interfere with an unbiased exercise of official judgment.

(c) *Matters not prohibited.* This section does not preclude a member or employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order, this section or the regulations under the Commodity Exchange Act.

§ 140.735–4 Business and financial transactions and interests.

(a) *Application.* This section applies to all transactions effected by or on behalf of a Commission member or employee, including transactions for the account of other persons effected by the member or employee, directly or indirectly, under a power of attorney or otherwise. A member or employee is considered to have sufficient interest in the transactions of the spouse or minor child of the member or employee, or other relatives who are residents of the immediate household of the member or employee, so that such transactions must be reported and, absent compelling countervailing reasons, are subject to all the terms of this section.

(b) *Prohibitions.* No Commission member or employee shall:

(1) Participate, directly or indirectly, in any transaction (i) involving a contract of sale of any commodity for future delivery; (ii) involving any commodity that is of the character of, or is commonly known to the trade as, an option, privilege, indemnity, bid, offer, put, call, advance guaranty or decline guaranty; or (iii) for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins that is or is to be executed pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract[2]

[1] These references, however, do not purport to cover all restrictions and requirements, and the paraphrased restatements of statutory provisions, such as that of the conflict-of-interest provisions of 18 U.S.C. 201, *et seq.*, appearing in this subpart C, are not intended to be, and should not be construed as, verbatim quotations of the law. The statutory text should be consulted in any situation in which it might apply. Section 140.735–12 lists applicable statutes and regulations copies of which, as well as of all pertinent regulations and orders, are available for review by Commission employees in the Office of the General Counsel in Washington, D.C., and in each Commission Regional Office.

[2] Attention is directed to section 9(d) of the Commodity Exchange Act, which makes it a felony, punishable by a fine of not more than $10,000 or imprisonment of not more than five years, or both, together with the costs of prosecution, for any member or employee of the Commission, or agent thereof, to participate, directly or indirectly, in, *inter alia*, any transaction in a commodity future or any transaction of the character of, or which is commonly known to the trade as, an option, privilege, indemnity, bid, offer, put, call, advance guaranty, or decline guaranty. Attention is also directed to section 2(a)(7) of the Commodity Exchange Act, which, among other things, prohibits Commission members and employees from participating, directly or indirectly, in any transaction of a character subject to regulation by the Commission. Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 15(a), authorizes the Commission to regulate the types of transactions enumerated before footnote 2 in clause (iii) accompanying this note.

or similar contracts when subject to regulation by the Commission;

(2) Participate, directly or indirectly, in any investment transaction in an actual commodity, except as permitted in section 9(d) of the Act; [3]

(3) Have a beneficial interest, through ownership of securities or otherwise, in any person [4] regulated by the Commission,[5] such as a contract market or clearinghouse or member thereof, a registered futures commission merchant,[6] any person associated with a futures commission merchant or with any agent of a futures commission merchant, floor broker, commodity trading advisor or commodity pool operator, or any other person required to be registered in a fashion similar to any of the above under the Commodity Exchange Act or pursuant to any rule or regulation promulgated by the Commission;

(4) Have a significant beneficial interest, through ownership of securities or otherwise, in any other person required to file reports under the Commodity Exchange Act or pursuant to any rule or regulation promulgated by the Commission; or

(5) Purchase or sell any securities of a company which, to his knowledge, is involved in any (i) pending investigation by the Commission; (ii) proceeding before the Commission or to which the Commission is a party; or (iii) other matter under consideration by the Commission that could significantly affect the company.

[3] Attention is directed to the provision in section 9(d) of the Commodity Exchange Act which makes it a felony for any Commission member or employee or agent thereof to participate, directly or indirectly, in any investment transaction in an actual commodity. That section further provides that the prohibition against investment transactions in actual commodities does not apply to a transaction in which the Commission member or employee (a) buys an agricultural commodity or livestock for use in his own farming or ranching operations, (b) sells an agricultural commodity which he has produced in connection with his own farming or ranching operations or (c) sells livestock he has owned at least three months. A member or employee or agent thereof planning to participate in any transaction within (a), (b) or (c) shall submit to the Commission a written explanation setting forth all pertinent facts and requesting Commission clearance therefor. The submission shall be publicly available. Attention is further directed to section 2(a)(7) of the Commodity Exchange Act.

[4] As defined in section 2(a)(1) of the Act and 17 CFR 1.3(u) thereunder, a "person" includes an individual, association, partnership, corporation and a trust.

[5] Attention is directed to sections 2(a)(7) and 9(d) of the Commodity Exchange Act. See nn. 2, 3 and 7 of this subpart.

[6] This provision does not, however, preclude a member or employee from carrying securities on margin, pursuant to customary margin requirements, with a broker who is also a registered futures commission merchant, or engaged in the trading of commodity options, or commodity leverage transactions.

§ 140.735–5 Non-governmental employment and other outside activity.

(a) *General.* A Commission member or employee [7] shall not engage in non-governmental employment or other outside activity or affiliation that is incompatible with concurrent employment by the Commission, except, in the case of an employee, if expressly permitted by the Commission. Incompatible activities include but are not limited to: (i) employment or association with any person or entity regulated by the Commission such as a contract market or clearinghouse or member thereof, a registered futures commission merchant, any person associated with a futures commission merchant or with any agent of a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator or any other person required to be registered in a fashion similar to any of the above or file reports under the Act or pursuant to any rule or regulation promulgated by the Commission; (ii) services involving the rendering of advice concerning any legal, accounting or economic matter, or any agricultural, mining, foreign currency market or other commodity-related matter, in which the Commission may be significantly interested; (iii) acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interests; or (iv) outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner. For purposes of this paragraph, the private employment or other incompatible activity or affiliation of a member's or an employee's spouse, minor child or other relatives who are residents of his immediate household, absent compelling countervailing reasons, with any contract market or clearinghouse or member thereof, registered futures commission merchant, any person associated with a futures commission merchant or with any agent of a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator or with any other person required to be registered in a fashion similar to any of the above or with any person to the knowledge of the employee required to make material filings of reports under the Act or pursuant to any rule or regulation promulgated by the Commission, is deemed incompatible with the employee's concurrent employment by the Commission, except as determined otherwise by the Commission in a specific case.

(b) *Compensation from private source.* A member or employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).[8]

(c) *Teaching, lecturing and writing.* Subject to the following restrictions, members and employees are encouraged to engage in teaching, lecturing, and writing activities. A member or an employee shall not, however, engage in any teaching, lecturing or writing activities which are prohibited by law, the Executive orders, Civil Service Commission regulations, or the rules of this subpart, or which are dependent on nonpublic information [9] obtained as a result of the member or employee's Government employment. No employee shall accept an honorarium from an outside source on account of a public appearance, speech, lecture or publication if the public appearance or the preparation of the speech, lecture or publication was a part of the official duties of the employee.[10]

(d) *Activities not prohibited.* This section does not preclude a member or employee from participation in (i) the activities of national or State political parties not proscribed by law; or (ii) the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit, educational, recreational, public service, or civil organization.

[7] Attention is directed to section 2(a)(7) of the Commodity Exchange Act, which provides, among other things, that no Commission member or employee shall accept employment or compensation from any person, exchange or clearinghouse subject to regulation by the Commission, or participate, directly or indirectly, in any contract market operations or transactions of a character subject to regulation by the Commission.

[8] But this prohibition does not apply to continuing participation by Commission members or employees in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus or other employee welfare or benefit plan maintained by a former employer so long as by such continued participation no conflict of interest or apparent conflict of interest with duties and responsibilities as a Commission member or employee results.

The prohibition of 18 U.S.C. 209 does not apply to (1) a special Government employee; (2) any officer or employee serving without compensation; (3) any person paying, contributing to, or supplementing such officer's or employee's salary as such; or (4) payment or acceptance of contributions, awards or other expenses under the terms of the Government Employees Training Act (5 U.S.C. 4101–4118).

[9] Disclosure of certain confidential information officially obtained by a government employee is made a crime in 18 U.S.C. 1905. See also § 140.735–12(g)(2) of this subpart.

[10] Since members of the Commission are covered by section 401(a) of Executive Order 11222, they are prohibited by Civil Service Commission regulations (5 CFR 735.203(c)) from receiving compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

Further, both members and employees of the Commission should note that section 328 of the Federal Election Campaign Act prohibits acceptance of any honorarium in excess of $2,000 and of aggregate honoraria in any calendar year in excess of $25,000. 2 U.S.C. 441i. Members and employees of the Commission are precluded from teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service.

(e) *Authorization required.* An employee who intends to accept or perform any outside or private employment or professional work shall obtain necessary authorization in advance of such acceptance or performance. A request for such authorization shall be submitted to the division or office head concerned, together with all pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, its estimated duration, and the fee or compensation to be received. Division or office heads shall forward all requests, together with their recommendations thereon, to the Director of Personnel [11] who shall attempt to decide whether such employment or professional work should be authorized. In the event that the Director of Personnel is unable to so decide, he shall refer the matter to the General Counsel who shall resolve the matter or forward the matter to the Commission for consideration.

As soon as reasonably convenient after engaging in teaching, lecturing or writing dealing with Commission regulatory responsibilities, employees shall submit course materials, prepared texts of speeches and articles, if any written materials exist, to the Commission and to their division directors or other office heads.

(f) *Association of name with professional firm.* No member or employee shall permit his name to be associated in any way with any legal, economic, accounting or other professional firm or office.

(g) *Appearance in court in representative capacity.* No employee shall appear in court or on a brief in a representative capacity (with or without compensation) unless specifically authorized to do so by the Commission. However, the Commission encourages qualified employees, in off-duty hours and consistent with official responsibilities, to participate, without compensation, in programs to provide legal assistance and representation to indigents. Such participation may include limited appearances in court and on briefs when required in connection with such programs. However, such participation may not involve any activities which relate to the work of the Commission, or which are otherwise prohibited by law, the Executive Orders, Civil Service Commission regulations or this subpart.[12]

[11] Office heads in Commission Regional Offices receiving requests shall forward them to the Regional Deputy Counselor, § 140.735–16(c), *infra*, who in turn shall attempt to resolve the matter, or, if unable to do so, shall forward the matter to the Director of Personnel.

[12] Attention is called to sections 201 through 209 of Title 18, United States Code, which provide, among other things, that Federal employees are prohibited from acting as agent or attorney in prosecuting any claim against the United States or from aiding or assisting in any way (except as otherwise permitted in the discharge of official duties) in the prosecution or support of any such claim, or from receiving any gratuity, or any share of an interest in any claim from an claimant against the United States; and from directly or indirectly receiving or agreeing to receive any compensation whatever for services rendered or to be rendered to any person in relation to any matter in which the United States is a party or directly and substantially interested.

§ 140.735–6 Negotiation for private employment.

A Commission member or employee shall not discuss or entertain proposals for employment by any person outside the Government with whom he is transacting official business. This is deemed to preclude, among other things, negotiation for private employment by a member or employee who is immediately engaged in representing the Commission in any matter in which the prospective employer is opposing counsel or person chiefly affected. With the approval of his superior or the Commission, an employee may be relieved of any assignment which, in the absence of such relief, might preclude such negotiation. No employee shall undertake to act on behalf of the Commission in any capacity in a matter that, to his knowledge, affects even indirectly any person outside the Government with whom he is discussing or entertaining any proposal for future employment, except pursuant to the direction of the Commission, his division director or other office head.

§ 140.735–7 Statement of employment and financial interests.

(a) *Manner of submission; content of statement.* Each employee occupying a position designated in paragraph (c) of this section and therefore required to file a statement of employment and financial interests shall submit to the Director of Personnel a statement on CFTC Form 19 setting forth the following information:

(1) A list of the names of all corporations, companies, firms or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions, except as otherwise provided in paragraph (f) of this section, with or in which the employee, the employee's spouse, minor child or other relatives who are residents of the employee's immediate household have—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

(2) A list of the names of the employee's creditors and the creditors of the employee's spouse, minor child or other relatives who are residents of the employee's immediate household, other than those creditors to whom any such person may be indebted by reason of a mortgage on property which the person occupies as a personal residence or to whom such person may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, vacations, an automobile, education, or the like, provided that no such creditor shall have as its principal business activities matters which are regulated by the Commission.

(3) A list of the employee's interests and those of the employee's spouse, minor child, or other relatives who are residents of the employee's immediate household in real property or rights in lands, other than property which any such person occupies as a personal residence.

(b) *Time of submission.* Each employee occupying a position designated in paragraph (c) of this section shall: (i) If such an employee as of the effective date of this subpart, submit such statement not later than 90 days after the effective date of this subpart; or (ii) if promoted or otherwise appointed to such a position after the effective date of this subpart, submit such statement prior to entrance on duty with the Commission in such position.

(c) *Employees who are required to submit statements.* Statements of employment and financial interests are required of the following:

(1) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965;

(2) Employees in classified positions of grade GS–13 or above, under section 5332 of title 5, United States Code, or the equivalent thereof;

(3) Employees occupying positions as attorneys, auditors or investigators in classified positions of grades GS–11 and GS–12 under section 5332 of title 5, United States Code; and

(4) such other employees as the Commission, in consultation with the Civil Service Commission, may specify.

An employee has the right to ask for a review through the Commission's grievance procedure of a complaint that his position has been improperly included under the provisions of this section as one requiring the submission of a statement of employment and financial interests.

(d) *Supplementary statements.* Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this paragraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of 18 U.S.C. 208 [13] or of this Conduct Regulation.

[13] That section basically makes it a crime for a Government officer or employee, including a special Government employee (see § 140.735–13, *infra*), to participate personally and substantially, in his official capacity in any matter in which, to his knowledge, he has a financial interest, or his spouse, minor child, partner, organization in which

(e) *Information not known by employee.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(f) *Information not required.* Paragraph (a) of this section does not require an employee to submit any information relating to his connection with, or interest, in a professional society or credit union or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(g) *Confidentiality.* Statements of employment and financial interests shall be sent to the Director of Personnel in a sealed envelope marked "Confidential" and shall be maintained in a confidential file. Only those officials of the Commission whose participation is necessary for the carrying out of the purpose of this Conduct Regulation may have access to such statements and no information may be disclosed by them except as the Commission by formal order or the Civil Service Commission may determine for good cause shown.

(h) *Examination of statements.* The Director of Personnel, or the Assistant Director of Personnel in cooperation with the employee's supervisor, shall examine the statements of employment and financial interests to determine whether a conflict of interests, or apparent conflict of interests, exists on the part of employees. An employee shall be afforded the opportunity to explain any conflict or appearance of conflict. When the Director or Assistant Director of Personnel, in consultation with appropriate superiors of the employee involved, is unable to resolve a conflict or appearance of conflict, he shall report the matter to the Commission's General Counsel. If the General Counsel is unable to resolve such conflict or appearance of conflict, he shall bring the matter to the attention of the Commission.

(i) *Effect of statement on other requirements.* The statement of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for or in derogation of, any similar requirement imposed by law, order or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulation.

(j) *Presidential appointees.* Members of the Commission are subject to separate reporting requirements as to statements of employment and financial interests under section 401 of Executive Order No. 11222.

§ 140.735–8 Acceptance of things of value.

(a) *Application.* A Commission member or employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, service, or any other thing of monetary value from any person (i) with whom he transacts business on behalf of the United States; (ii) who has, or is seeking to obtain, contractual or other business or financial relations with the Commission; (iii) who conducts operations or activities regulated by the Commission or who is a representative of such a person; or (iv) who has interests that may be substantially affected by the performance or nonperformance of his official duty. Gifts, gratuities, favors, entertainment, loans, services, or other things of monetary value accepted by a spouse or minor child of a member or employee or other relatives who are residents of the immediate household of the member or employee shall be deemed, for purposes of this section, to have been accepted by the member or employee.

(b) *Exceptions.* This paragraph does not apply (i) to things of nominal value; (ii) when the circumstances make it clear that it is obvious family or personal relationships rather than the business of the persons concerned which govern and are the motivating factors; (iii) when, on infrequent occasions, food and refreshments of nominal value are offered in the ordinary course of a luncheon or dinner meeting or other meeting; (iv) when unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars and other items of nominal value are offered; (v) when local transportation is provided to the member or employee while he is on official business and alternative arrangements are impracticable; (vi) when the Commission, after due consideration, determines that an exception is warranted and appropriate in a particular situation; or (vii) to customary loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans.

(c) *Voluntary donations.* Except as specifically authorized by law, members and employees are not authorized to accept on behalf of the United States voluntary donations from private sources for travel expenses in the form of cash, or services in kind, such as hotel accommodations. An employee who is officially directed to participate in a convention, seminar or similar meeting of an association on an active duty basis and is authorized to receive per diem and other travel expenses from the Government, shall not accept travel, subsistence, or payment of other expenses from the association or outside organization.[14]

§ 140.735–9 Disclosure of information.

A Commission employee shall not divulge, or cause or allow to be divulged, confidential or nonpublic commercial, economic or official information to any unauthorized person, or release such information in advance of authorization for its release.[15] Any employee who is served with a subpoena requiring the disclosure of nonpublic information or documents shall, unless the Commission authorizes the disclosure of such information, respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this paragraph.[16] Any employee who is served with such a subpoena shall promptly advise the General Counsel of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making such information or documents available in the public interest.[17]

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he is serving as an officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has such an interest. The officer or employee may lawfully participate in the matter, however, if he fully advises the agency of the interest and receives a written determination from the agency that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from him.

[14] See Decision B–128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).

[15] Attention is directed to section 9(e) of the Commodity Exchange Act, which provides that it shall be a felony punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both, together with the costs of prosecution—(1) for any Commissioner or any employee or agent thereof who, by virtue of his employment or position, acquires information which may affect or tend to affect the price of any commodity futures or commodity and which information has not been promptly made public, to impart such information with intent to assist another person, directly or indirectly, to participate in any transaction in commodity futures, any transaction in an actual commodity, or in any transaction of the character of or which is commonly known to the trade as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, or decline guaranty; and (2) for any person to acquire such information from any Commissioner or any employee or agent thereof and to use such information in any of the foregoing transactions.

[16] No employee shall disclose such information unless directed to do so by the Commission or by a court of appropriate jurisdiction.

[17] The prohibitions regarding confidential or nonpublic information stated above are intended to cover the matters addressed in section 9(e) of the Act as well as nonpublic information under the Freedom of Information Act, 5 U.S.C. 552, the rules of the Commission thereunder, 17 CFR Part 145, and the Privacy Act, 5 U.S.C. 552a, the rules of the Commission thereunder, 17 CFR Part 146, and cases where, apart from specific prohibitions in any statute or rule, the disclosure or use of such information would be unethical.

§ 140.735–10 Practice by former members and employees of the Commission.

(a) *Personal knowledge or consideration of the matter.* No person shall ever appear in a representative capacity before the Commission in a particular matter[18] if such person, or one participating with him in the particular matter, personally considered it or gained nonpublic knowledge of the facts thereof while he was a member or employee of the Commission.[19]

(b) *Matter within individual's official responsibility.* No person who has been a member or an employee shall, within one year after his employment has ceased, appear in a representative capacity before the Commission in any matter which was under his official responsibility as a member or employee of the Commission at any time within a period of one year prior to the termination of such responsibility.[20] The term official responsibility as used herein has the meaning assigned to it in 18 U.S.C. 202, namely, the "direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action."[21]

(c) *Appearance before Commission.* Any former member or employee of the Commission who, within two years after ceasing to be such, is employed or retained as the representative of any person outside the government in any matter in which it is contemplated that he will appear before the Commission shall, within ten days of such retainer of employment, or of the time when appearance before the Commission is first contemplated, file with the General Counsel of the Commission a statement as to the nature thereof together with any desired explanation as to why it is deemed consistent with this section. Employment of a recurrent character may be covered by a single comprehensive statement. Each such statement should include an appropriate caption indicating that it is filed pursuant to this section. The reporting requirements of this paragraph do not apply to communications incidental to court appearances in litigation involving the Commission. As used in this section, the term "appear before the Commission" means personal appearance before or personal communication with the Commission, or any member or employee thereof, in connection with any interpretation or matter of substance arising under the statutory provisions administered by the Commission. As used in this section, the term "representative" or "representative capacity" shall include not only the usual type of representation by an attorney, but also representation of a corporation in the capacity of an officer, director, or controlling stockholder thereof.

(d) *Advisory rulings.* Persons in doubt as to the applicability of this section may apply for an advisory ruling of the Commission by addressing a letter requesting an advisory ruling to the Office of General Counsel.

§ 140.735–11 Action in case of personal interest.

Any employee assigned to work on any application, filing or matter of a company (a) in which he or his spouse or his minor child or any other relatives who are residents of his immediate household then own any securities or have a personal interest, including a continuing financial interest through a pension or retirement plan, shared income, or other arrangement, as a result of any current or prior employment or business or professional association; or (b) with which he has been employed or associated in the past; or (c) which was a client of a firm with which he had been associated shall immediately advise the division director or other office head in writing of all pertinent facts. Division directors and other office heads are authorized to direct the reporting employee to continue with the assignment in question where the interest is not so substantial as to be likely to affect the integrity of the services which the Government may expect from the employee and where it appears in the interest of the Government, taking into account (1) the prohibitions stated in this subpart; (2) the general desirability of avoiding situations that raise a question of conflict of interest or the appearance of a conflict of interest; (3) the extent to which the employee's activities will be supervised; and (4) the difficulty of assigning the matter to some other employee. Where the employee in question is not relieved of the assignment, his written report concerning the nature of his interest shall be forwarded by the division director or other office head to the General Counsel with a notation that he has been directed to continue the assignment, together with such explanation, if any, as may seem appropriate. In the event that a division director or other office head deems that he has, himself, such personal interest in an application, filing or matter of a company as may raise a question as to his disinterestedness, he may delegate his responsibility with regard thereto to a subordinate, but in that event shall submit a brief memorandum of the circumstances to the General Counsel.

§ 140.735–12 Statutory provisions applicable to conduct of Commission members and employees.

Each member and employee is responsible for acquainting himself with each statute that relates to his ethical and other conduct as an employee of the Commission and of the Government, including the statutory provisions listed below. Violations of any of these statutes are deemed to be violations of the rules in this subpart as well.[22]

(a) Sections 2a(7), 9(d) and 9(e) of the Commodity Exchange Act.

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

(c) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflict of interests, as appropriate to the employees concerned.

(d) The prohibiton against lobbying with appropriated funds (18 U.S.C. 1913).

(e) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxication to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions aginst (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or

[18] This prohibition does not apply to personal participation in or gaining knowledge of facts pertaining to general rulemaking, general policy and standards formulation or other similar matters. See memorandum of the Attorney General dealing with the conflict of interest provisions, reproduced in material following 18 U.S.C. 201 (1970 Edition).

[19] Attention is called to 18 U.S.C. 207(a) which basically prohibits a former United States Government employee from acting as an agent or attorney in any matter in which he participated personally and substantially as such officer or employee and in which the United States is a party or has a direct and substantial interest.

[20] This prohibition does not apply to general rulemaking, general policy and standards formulation or other similar matters under a member or employee's official responsibility. See memorandum of the Attorney General dealing with the conflicts of interest provisions, reproduced in material following 18 U.S.C. 201 (1970 Edition).

[21] Attention is called to 18 U.S.C. 207(b), which basically prohibits a former United States Government employee, for the one year period following the end of his employment, from appearing before any court or government agency or department as agent or attorney in any proceeding or matter that was under his official responsibility and in which the United States is a party or has a direct and substantial interest.

[22] Copies of these and other pertinent statutes, regulations and orders are on file in the Office of the General Counsel in Washington, D.C., and in each Regional Office of the Commission and available for review by all Commission members and employees.

property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

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

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607 and 608.

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

§ 140.735–13 Special Government employees.

(a) *Definition.* Special Government employee means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed in the executive branch. In the Commission these employees usually are experts and consultants.

(b) *Applicability of this subpart to special Government employees.* All provisions of this subpart applicable to regular Commission employees are applicable to special Government employees, except § 140.735–5(a)(ii) (furnishing of commodity-related advice; provided, however, that this particular exception applies only if a special Government employee of the Commission has not personally and substantially participated in the matter and has served with the Commission no more than 60 days during the immediately preceding period of 365 consecutive days), § 140.735–5(e) (obtaining prior approval for outside employment), § 140.735–5(f) prohibition upon association of name with professional firm), and § 140.735–7 (filing statement of employment and financial interests), unless the Commission deems it necessary or appropriate in the public interest that the employee be subject to any of these provisions.[23] Additional specific provisions applicable to special Government employees are listed in paragraph (c) of this section.

(c) *Prohibitions.* A special Government employee shall not:

(1) Use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties;

(2) Use information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For purposes of this subparagraph, "information" means information obtained under Government authority which has not become part of the body of public information. A special Government employee may teach, lecture, or write provided he meets the requirements of § 140.735–5 (c) and (e);

(3) Use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties; or

(4) Receive or solicit from a person having business with the Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties. The same exceptions in § 140.735–8(b) applicable to regular employees are also applicable to special Government employees.

(d) *Statement of employment and financial interests.* Prior to entrance on duty, each special Government employee shall submit to the Director of Personnel a statement of employment and financial interests which reports (1) all other employment, and (2) the financial interests of the special Government employee which the Commission determines are relevant in the light of the duties he is to perform. Statements shall be on CFTC Form 70 and shall be kept current throughout the period of employment by the filing of supplementary statements in accordance with the requirements of § 140.735–7(d). This paragraph shall not be construed as requiring the submission of information referred to in § 140.735–7(e) (information not known by employee). Paragraphs (f), (g) and (h) of § 140.735–7 shall be applicable with respect to statements required under this section.

(e) *Waiver of requirement of filing statement.* The Commission may waive the requirement of paragraph (d) of this section in the case of a special Government employee who is not a "consultant" or an "expert," as those terms are defined in Chapter 304 of the Federal Personnel Manual if the duties of the position are determined to be at a level of responsibility which does not require the submission of such statement to protect the integrity of the Commission.

§ 140.735–14 Other standards of conduct.

(a) *Office gifts.* A Commission member or employee shall not solicit a contribution from another employee for a gift to an employee in a superior position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 7351). However, this subparagraph does not prohibit the use of completely voluntary contributions of nominal amounts by employees within the Commission to establish funds for the limited purpose of providing token remembrances or gifts of nominal value in situations such as death, illness, marriage, birth or retirement.

(b) *Gifts from foreign governments.* A Commission member or employee shall not accept a gift, present, decoration, or other thing of value from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(c) *Gambling, betting and lotteries.* An employee shall not participate, while on Government-owned or -leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(1) Necessitated by an employee's law enforcement duties; or

(2) Under section 3 of Executive Order 10927, pertaining to fund-raising activities conducted by employee organizations.

(d) *General conduct prejudicial to the government.* An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

(e) *Use of Government property.* An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies and other property entrusted or issued to him.

(f) *Indebtedness.* The Commission considers the indebtedness of its members and employees to be essentially a matter of their own concern. The Commission will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, failure on the part of an employee without good reason and in a proper and timely manner to honor debts acknowledged by him to be valid or reduced to judgment by a court or imposed by law, such as federal, state or local taxes, or to make or to adhere to satisfactory arrangement for the settlement thereof, may be cause for disciplinary action. For purposes of this section, "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer.

(g) *Nepotism.* No member or employee of the Commission shall secure or attempt to secure the employment of a blood relative by the Commission.

§ 140.735–15 Disciplinary and other remedial action.

A violation of the regulations in this subpart by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Departure from any of the rules in this subpart by former members and employees may be cause for disqualifica-

[23] Particular attention is directed to the fact that the prohibitions of sections 2a(7), 9(d) and 9(e) of the Commodity Exchange Act apply to special Government employees employed by the Commission as well as regular Commission employees.

tion from appearing and practicing before the Commission, which may be in addition to any penalty prescribed by law. In a situation in which a conflict of interests or appearance of a conflict of interests arises and when, after consideration of the required explanations as provided by § 140.735-7(h), no resolution of the conflict or apparent conflict has resulted, the Commission may decide that remedial action is required. In such case, the Commission will initiate immediate action to end the conflict or appearance of conflict of interests. Remedial action may include but is not limited to: (1) changes in assigned duties; (2) disposition or divestment by the employee or special Government employee of his conflicting interest; (3) disciplinary action; or (4) disqualification from a particular assignment. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders, and regulations.

§ 140.735-16 Interpretative and advisory service.

(a) *Counselor for the Commission.* The General Counsel, or his designee, will serve as Counselor for the Commission and as the Commission's representative to the Civil Service Commission on matters covered by this part.

(b) *Duties of the Counselor.* The Counselor shall:

(1) Coordinate the agency's counseling services and assure that counseling and interpretations on questions of conflict of interests and other matters covered by the regulations in this subpart are available as needed to Regional Deputy Counselors, who shall be appointed by the General Counsel, in coordination with the Chairman of the Commission, for each Regional Office of the Commission;

(2) Render authoritative advice and guidance on matters covered by the regulations in this subpart which are presented to him by employees in the Washington, D.C., headquarters office; and

(3) Receive information on, and resolve or forward to the Commission for consideration, any conflict of interests or apparent conflict of interests which appears in the Statements of Employment and Financial Interests submitted under this subpart, which is not resolved by the Director of Personnel, and any other conflict of or apparent conflict of interests which otherwise appears.

(c) *Regional Deputy Counselors.* Regional Deputy Counselors shall:

(1) Give advice and guidance when requested to the employees assigned to their respective Regional Offices; and

(2) Receive information on and attempt to resolve, or refer to the Director of Personnel, any conflict of interests or appearance of conflict of interests in Statements of Employment and Financial Interests submitted by employees to whom they are required to give advice and guidance.

(d) *Confidentiality of communications.* Communications between the Counselor and Regional Deputy Counselors and an employee shall be confidential, except as deemed necessary by the Commission or the Counselor to carry out the purposes of this subpart and of the laws of the United States.[24]

(e) *Furnishing of conduct regulations.* The Director of Personnel shall furnish a copy of this Conduct Regulation to each member, employee and special Government employee immediately upon issuance and to each new member and new employee upon his entrance on duty and shall thereafter, annually, and at such other times as circumstances warrant, bring to the attention of each member and employee this Conduct Regulation and all revisions thereof.

(f) *Availability of counseling services.* The Director of Personnel shall notify each member, employee and special Government employee of the availability of counseling services and of how and where these services are available within 90 days after the approval of this Conduct Regulation and periodically thereafter. In the case of a new employee or special Government employee appointed after this general notification, he shall be notified at the time of entrance on duty.

The foregoing Code of Conduct constitutes a general statement of Commission policy as well as rules relating to Commission organization and procedure concerning personnel matters. Thus it is not subject to the notice of proposed rule making and public procedure requirement of the Administrative Procedure Act, as codified, 5 U.S.C. 553. Moreover, notice and public procedure thereon are unnecessary because the Code of Conduct, as an internal personnel matter which will govern the ethical conduct of Commission members and employees, will not impose any responsibilities on members of the public and will deprive no member of the public of any significant right or privilege. For this reason, and because it is in the public interest for ethical standards to be established promptly for Commission members and employees, this Code of Conduct shall be effective July 2, 1976.

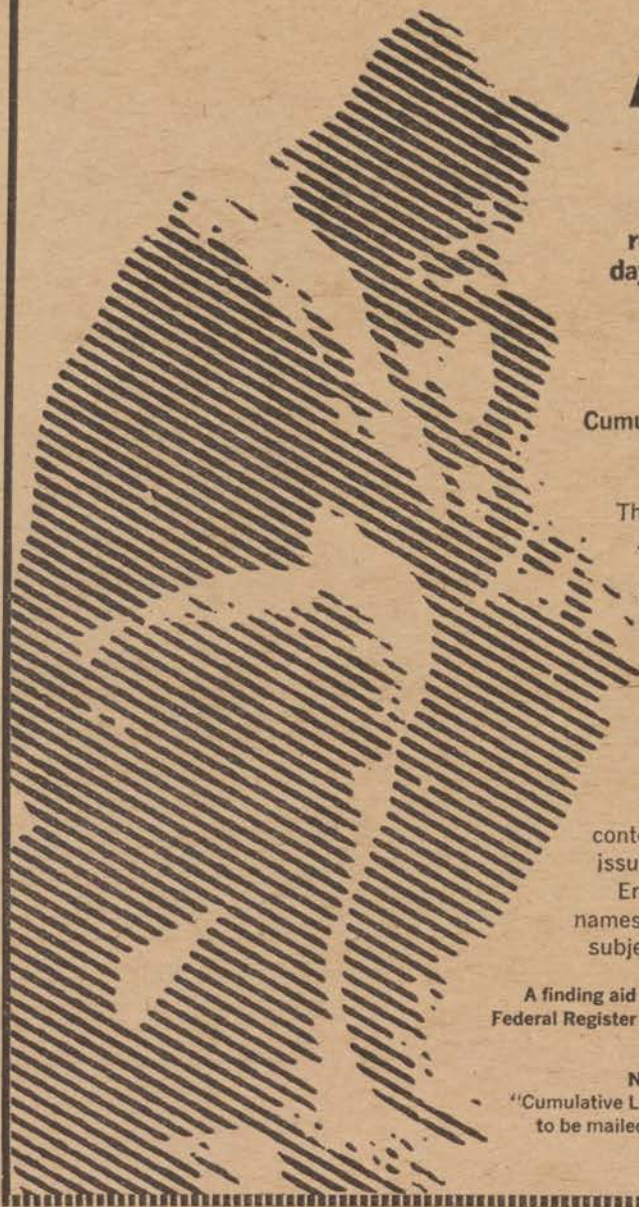
Issued in Washington, D.C. on June 25, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-19018 Filed 7-1-76;8:45 am]

[24] No attorney-client privilege, however, attaches to such communications since the counselors are counsel to the Commission, not for the employee. Thus, any evidence of criminal law violations divulged by an employee to the counselor must be reported by the latter to the Commission, which may refer the matter to the Criminal Division of the Department of Justice and the United States Attorney in whose venue the violations lie.



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BOOK 2 OF 2 BOOKS

FRIDAY, JULY 2, 1976

PART III:

COMMODITY FUTURES TRADING COMMISSION

■

ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Final Rule

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Final Rule

On November 24, 1975, the Commodity Futures Trading Commission ("Commission") proposed rules governing contract market arbitration or other dispute settlement procedures, which were published at 40 FR 54430. The Commission is adopting rules §§ 180.1, 180.2, 180.4, 180.5 and 180.6 in substantially the same form as previously proposed. These rules will be effective September 30, 1976. The Commission is amending previously proposed rule 180.3. This proposed rule, as amended, is being published for comment and appears at 41 FR 27526 (same date as this notice); the comment period will end on July 26, 1976.

Section 5a(11) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 7a(11) (Supp. IV, 1974), states that each contract market shall:

> Provide a fair and equitable procedure through arbitration or otherwise for the settlement of customers' claims and grievances against any member or employee thereof: *Provided*, That (i) the use of such procedure by a customer shall be voluntary, (ii) the procedure shall not be applicable to any claim in excess of $15,000, (iii) the procedure shall not result in any compulsory payment except as agreed upon between the parties, and (iv) the term "customer" as used in this paragraph shall not include a futures commission merchant or a floor broker * * *.

On July 10, 1975, the Commission published an interpretative statement in the FEDERAL REGISTER which set forth the Commission's responses to six questions concerning the requirements of Section 5a(11). See 40 FR 29121 (July 10, 1975). The Commission later published for public comment proposed rules in the FEDERAL REGISTER which set forth affirmative requirements for contract markets and others to follow in establishing arbitration or other dispute settlement procedures. See 40 FR 34152 (August 14, 1975).

After considering comments and suggestions received with respect to the proposed rules and prior interpretative statement, the Commission determined to amend its proposed rules. See 40 FR 54430 (November 24, 1975) ("amended proposed rules"). The Commission's announcement in the FEDERAL REGISTER of the amended proposed rules contained a general statement of the basis and purpose of the rules and set forth a general discussion of the reason for amendments to the previously proposed rules. The amended proposed rules also invited interested persons to participate in the rulemaking process by providing written submissions to the Commission.[2]

The Commission received a number of comments on its amended proposed rules. The Commission also decided to hold a public hearing for the purpose of receiving additional comments, written or oral, from interested persons. Notice of this hearing was published in the FEDERAL REGISTER on February 11, 1976, see 41 FR 6120, and the hearing was held on March 5, 1976, in Washington, D.C. Seven witnesses appeared at the hearing and testified orally; certain of these witnesses also made written submissions to the Commission concerning their testimony.

The Commission has considered comments made with respect to its interpretative statement, proposed rules, and amended proposed rules, including the oral and written testimony received at and subsequent to the oral hearing on March 5, 1976. Upon the basis of those considerations, the Commission has determined to adopt rules governing arbitration or other dispute settlement procedures. Set forth below is a discussion of the principal comments on the Commission's amended proposed rules, a general statement of the basis and purpose of the rules adopted and the text of those rules.[3]

COMMENTS ON THE AMENDED PROPOSED RULES

1. CASH MARKET TRANSACTIONS

The Commission has broad authority over cash market transactions effected on a contract market,[4] but the extent of that authority and its appropriate applicability to contract market rules governing arbitration and other dispute settlement procedures is undetermined at this time.[5] The Commission received several comments on the applicability of the amended proposed rules to cash market transactions. Most commentators suggested that the Commission should not involve itself in cash market transactions effected on contract markets. Those commentators pointed out that such cash market transactions were usually between sophisticated traders whose use of arbitration as a means of settling disputes has not been traditionally viewed as customer arbitration proceedings. Moreover, there have been few complaints about such procedures.

The Commission has reviewed those comments and has also considered whether it should at this time apply its resources to the area of cash market arbitration proceedings. The Commission has determined that for the present it will exempt from the scope of this rule transactions which relate entirely to cash market activities.

2. DEFINITION OF CUSTOMER

The Commission's amended proposed rules defined the terms "customer" and "customers" to include futures commission merchants and floor brokers if such persons were not acting in their capacity as such with respect to the transaction that is the subject of a claim or grievance[6] (i.e., a person registered as a futures commission merchant or floor broker would not be treated as such if he were acting in a customer capacity with respect to particular transactions, rather than as a registered floor broker or futures commission merchant). The Commission's release stated that:

> Commentators * * * urged that the Commission exclude from the definition of "customer" or "customers" all disputes between contract market members or their employees even if such persons were acting as a customer with respect to a particular transaction. But the Commission believes that if such persons are not acting in the role of a contract market member or employee thereof, they should be entitled to the same protection as any other customer under section 5a(11) without disqualification by their role in other transactions. This is particularly true where, for example, a floor broker on one contract market executes a transaction on another contract market where the floor broker is not a member, and a claim or grievance arises from that transaction.[7]

Several commentators urged that the Commission exclude contract market members from the definition of "customer." The Commission has carefully considered those comments and earlier comments and has determined that the comments have substantive validity. The Commission is persuaded that claims or grievances between members of a contract market should be settled in accordance with contract market arbitration or other dispute settlement procedures for members. Accordingly, the Commission has determined to amend its amended proposed rules to exclude from the defi-

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[1] The Commission is adopting certain rules by this announcement in order to permit contract markets to commence the preparation of amendments to their own rules. The Commission's continued consideration of proposed rule 180.3 should not delay the implementation of the procedure required by section 5a(11) of the Act and the rules adopted by the Commission.

[2] The proposed rules were originally proposed as amendments to Part 200 of Title 17 of the Code of Federal Regulations. The Commission's amended proposed rules were redesignated as a new Part 180 of Title 17 of the Code of Federal Regulations and renumbered.

[3] Persons interested in the background, basis and purpose of the rules adopted by this release should also review the Commission's prior interpretative statement and comments on its proposed rules and amended proposed rules at 40 FR 29121 (July 10, 1975); 40 FR 34152 (August 14, 1975); 40 FR 54430 (November 24, 1975); and 41 FR 6120 (February 11, 1976).

[4] See, e.g., section 5(b) of the Act, 7 U.S.C. § 7(b) (Supp. IV, 1974), and 17 CFR 1.35 (1975).

[5] See CFTC Interpretative Letter No. 76-2, CCH Commodity Futures L. Rep. ¶20,133 (Feb. 13, 1976).

[6] Amended proposed rule § 180.1(a) defined a "claim or grievance" as:

> * * * any dispute which arises out of any transaction on or subject to the rules of the particular contract market which is the forum for the settlement procedure, executed by or effected through, or proposed to be, or attempted to be executed by, or effected through, a member of that contract market or employee thereof, which claim or grievance does not require for adjudication the presence of essential witnesses or third parties over whom the contract market does not have jurisdiction and who are not otherwise available.

40 FR 54430, 54434 (November 24, 1975).

[7] 40 FR 54430–54431 (November 24, 1975).

nition of customer all persons who are members of contract markets where the claim or grievance in question arises,[8] whether such persons are registered with the Commission or otherwise. However, if a registered floor broker or futures commission merchant acts as a customer in a trade executed on a contract of which such person is not a member, then such person for such transaction will be considered to be a customer.

3. MIXED PANELS

The Commission's proposed and amended proposed rules set forth a requirement that contract markets provide customers with an impartial arbitration panel or other decision-making body ("panel"). The Commission's proposed rules stated that, while such a panel may be composed entirely of contract market members, customers must be given an election to submit the claim or grievance to a panel composed of at least a majority of persons not associated with any member of the contract market or employee thereof or otherwise associated with the contract market ("mixed panel").

The Commission received a large number of adverse comments from contract markets and others on the requirement of a mixed panel. These commentators stated that it is difficult and expensive to obtain qualified experts to serve on mixed panels and that without the benefit of experts as arbitrators, at little or no cost, much of the value of the contract market dispute settlement procedure would be lost. As a result of these comments, the Commission amended its proposed rule to require that, instead of a majority, only one third of the members of a mixed panel must be persons who are not associated with any member of the contract market or employee thereof and not otherwise associated with the contract market. The Commission's release in the FEDERAL REGISTER concerning its amended proposed rules stated that:

> The Commission believes that this proposal will assure a meaningful measure of objectivity while at the same time retaining the necessary expertise of such panels. However, the Commission requests additional comment on whether mixed panels should have a greater percentage of nonassociated persons.[9]

The Commission received additional comments on this amended proposed rule through written submissions and at the Commission's oral hearing held on March 5, 1976. Some of these comments continued to criticize the requirement of a mixed panel; at least one commentator stated that panels should not contain any member of a contract market because no such member could be impartial. The Commission has carefully weighed these comments and has determined to adopt a rule governing the composition of mixed panels in substantially the same form as originally proposed; that is, customers must be given an election to submit the claim or grievance to a panel composed of at least a majority of persons not associated with any member of the contract market or any employee thereof and not otherwise associated with the contract market. The Commission believes that this requirement will offer—not only in fact, but also in appearance—assurance of fairness and impartiality in arbitration and other dispute settlement procedures established under section 5a(11) and the Commission's rules. Although this requirement may increase the cost of arbitration or other dispute settlement procedures to the participants, such additional costs must be weighed against the need for customer confidence in the fairness of contract market arbitration or other dispute settlement procedures.

4. TRANSCRIPTS

The Commission's amended proposed rule § 180.2 prohibited a contract market from assessing customers with the cost of a transcript kept of hearings for arbitration or other dispute settlement proceedings, unless the customer agreed to the costs or unless the customer was not assessed with the expense of the transcript. The Commission's release stated that:

> This requirement is designed to assure that customers with claims under $15,000 are not discouraged from using the settlement procedure required to be established by section 5a(11), because of possibly expensive transcript costs.[10]

The Commission received a number of adverse comments on this proposal, some of which suggested that such a requirement denied a needed safeguard against unfair procedures or errors of a reversible nature. The comments noted that transcripts provide the best record of the manner in which the hearings are conducted for purposes of judicial review. Commentators also stated that the Commission's proposal overlooked modern record-keeping mechanisms and cost-saving devises.

The Commission has carefully considered the comments and is convinced that it should amend its amended proposed rule. Accordingly, the Commission has determined to permit contract markets to require a record to be kept of arbitration or other dispute settlement procedures. However, the cost for any such transcripts must still be reasonable, and efforts must be made to reduce such costs to a minimum; for example, contract markets may provide that a record need not be transcribed except in the event of appeal or unless requested by the party, at the expense of that party. This should greatly reduce the cost of record-keeping and alleviate the Commission's prior concerns.

5. MISCELLANEOUS PROVISIONS

The Commission also received comments criticizing various other aspects of its amended proposed rules. Of particular concern to commentators were the requirements in the Commission's amended proposed rules restricting the right to assert counterclaims in arbitration or other dispute settlement proceedings. Most of the comments urged the Commission to broaden amended proposed rule § 180.4 by expanding the concept of compulsory counterclaims or grievances to include, among other things, counterclaims in excess of $15,000. The Commission has reviewed these comments and, for the reasons discussed in the FEDERAL REGISTER notice announcing the Commission's amended proposed rules, the Commission has determined to adopt amended proposed rule § 180.4 without additional changes. See 40 FR 54430, 54433–34 (November 24, 1975).

The Commission also received critical comments on its proposal to allow contract markets to establish a procedure whereby claims of less than $2,500 could be required to be submitted to an arbitration panel or other decision-making body without opportunity for either party to appear personally at a hearing. See amended proposed rule § 180.2, 40 FR 54430 (November 24, 1975). This proposal was designed to reduce expense and delay in contract market dispute settlement proceedings where the amount in controversy was not so great as to require an expensive oral hearing, especially when the hearing would be necessarily conducted at a place that would cause expense to one party, or both, in excess of the amount of the claim or grievance. The Commission has reviewed the comments, and for the reasons set forth in its announcement of the amended proposed rules published on November 24, 1975, in the FEDERAL REGISTER, the Commission has determined to adopt this proposal as proposed. See 40 FR 54430, 54431 (November 24, 1975). As noted in that release:

> The Commission will review contract market rules adopting such a procedure to assure that such rules are not unfair and do not prevent customers from having access to a fair and equitable settlement procedure.

Set forth below is a general statement of the basis and purpose of the Commission's rules:

GENERAL STATEMENT OF BASIS AND PURPOSE

1. Briefly, rule § 180.1, as adopted by the Commission, defines the term "claim or grievance" to mean any dispute which arises out of any transaction executed on a contract market or proposed to be executed by a member of a contract market or employee thereof. The claim or grievance must not require for adjudication the presence of essential witnesses or third parties over whom the contract market does not have jurisdiction and who are not otherwise available. The Commission has excluded cash market transactions from the definition and has made certain technical changes in this definitional rule, as adopted; otherwise the definition is substantially the same as set forth in the Commission's amended proposed rule. See 40 FR 54430 (November 24, 1975).

[8] Contract market rules relating to member-to-member arbitration or other dispute settlement procedures are subject to the provisions of Commission rule § 180.6 discussed infra.

[9] 40 FR 54430, 54431 (November 24, 1975).

[10] Id.

In addition, § 180.1, as adopted, defines the term "customer" and "customers," to include any person with a claim or grievance against a member of a contract market which is the forum for the settlement procedure, or employee thereof. However, the terms "customer" or "customers," as described above, do not include members of the contract market involved. The definition thus excludes a person whose claim or grievance arises out of a transaction effected through or attempted to be effected through a contract market where such person is a member.

2. Rule § 180.2, as adopted by the Commission, defines the "fair and equitable procedure" required by section 5a(11) and Commission rules. Rule § 180.2 provides that contract markets must adopt rules to be submitted for approval by the Commission. Those rules must provide for a fair and equitable arbitration or other dispute settlement procedure for the settlement of customer claims and grievances.[11]

Rule § 180.2 requires that the rules of contract markets include at least the following as minimum requirements for a fair and equitable procedure:

(a) The contract market arbitration or other dispute settlement procedure must be objective and impartial. Customers, as discussed above, must be provided with a choice of a mixed panel having at least a majority of the persons serving thereon who are not members or associated with any member of the contract market which is the forum for the arbitration or other dispute settlement procedure or employee thereof and who are not otherwise associated with the contract market. The rules of a contract market may, with respect to such procedure, require the customer to elect the mixed panel at the time of the submission of the claim or grievance to the procedure.

(b) The contract market arbitration or other dispute settlement procedure shall grant each of the parties the right, if desired, to be represented by counsel in any aspect of the procedure.

(c) The contract market arbitration or other dispute settlement procedure must provide for prompt settlement of claims or grievances and counterclaims, if any, permitted by § 180.4 of the rules adopted by the Commission. Unnecessary or unreasonable delay by any of the parties shall not be permitted and action may be taken by the contract market against persons who engage in unnecessary delays, or the panel may, in appropriate circumstances, declare a default award against the delaying party.

(d) The contract market arbitration or other dispute settlement procedure shall require adequate notice to the parties and an opportunity for prompt hearing as follows:

(i) Each of the parties to the proceeding shall be entitled personally to appear at the hearing of the matter unless, as discussed above, the contract market adopts a procedure for the written submission of claims or grievances and the claim or grievance (and any counterclaim applicable thereto) is in the aggregate less than $2,500. In such latter instances, provision may be made for the claim or grievance of a customer to be resolved without an oral hearing by submission of written documents;

(ii) The formal rules of evidence need not apply at the hearing. Nevertheless, the procedures established may not be so informal as to deny due process. The parties must be given adequate opportunity to prepare and present relevant facts in support of the claim or grievance or counterclaim permitted by § 180.4 of the Commission's rules and to present rebuttal evidence to such claims or grievances or counterclaims;

(iii) Each party shall be entitled to examine other parties and any witnesses appearing at the hearing and to examine all relevant documents presented in connection with the claim or grievance or a counterclaim permitted by rule § 180.4; and

(iv) A contract market may require a record of the hearing be kept. However, as discussed above, the record need not be transcribed and the cost of recording the hearing shall be reasonable.

(e) The contract market arbitration or other dispute settlement procedure shall provide adequate notice of all fees and costs to the parties in advance of the submission of a claim or grievance or counterclaim permitted by the rules. The nature and amount of any fees and costs which may be assessed against the parties appearing in the procedure shall be reasonable, particularly in relation to the complexity and the amount of the claim or grievance or counterclaim presented. Costs may be apportioned among the parties or may be assessed against the losing party as the panel or mixed panel in its discretion sees fit.

(f) The contract market arbitration or other dispute settlement procedure shall provide that the settlement award shall be rendered promptly in writing and the award must be final. There can be no right of appeal to any entity within the contract market. The only right of appeal from the initial award shall be as permitted under applicable state or federal law.

(g) The contract market arbitration or other dispute settlement procedure may not impose any restriction on the jurisdiction or venue of any court to enforce the award. However, this prohibition does not prevent a choice of law provision.

3. Rule § 180.4, as adopted by the Commission, establishes requirements for counterclaims that may be required or permitted in contract market arbitration or other dispute settlement procedures established pursuant to section 5a (11) of the Act or the Commission's rules. The procedure established by a contract market may require the submission of a counterclaim in the procedure by a person against whom a claim or grievance is brought where the counterclaim arose out of the transaction or occurrence that is the subject of the customer claim or grievance and does not require for adjudication the presence of essential witnesses, parties or third parties over whom the contract market does not have jurisdiction. Such a counterclaim may not be for an amount in excess of $15,000. Other counterclaims are permissible only if the customer agrees to the submission after the counterclaim has arisen and if the aggregate monetary value of the counterclaim is capable of calculation and is not in excess of $15,000.

4. Rule § 180.5, as adopted by the Commission, concerns contract market arbitration or other dispute settlement procedures which are not subject to section 5a(11) of the Act. The rule states that a contract market may establish a procedure for settlement of customer claims or grievances against any member or employee thereof which are not covered by § 180.1 of the Commission's rules. However, the procedure shall be independent of and shall not interfere with or delay the resolution of customer claims or grievances submitted for resolution under the contract market procedure established pursuant to section 5a(11) of the Act. Rule § 180.5 requires that the procedure must be fair and equitable as defined by rule § 180.2; the procedure must also be voluntary.

5. Rule § 180.6, as adopted by the Commission, establishes requirements for member-to-member settlement procedures. Specifically, rule § 180.6 provides that a contract market may establish a procedure for compulsory settlement of claims and grievances or disputes which do not involve customers. However, such a procedure shall be independent of, and shall not interfere with or delay, the resolution of customer claims or grievances submitted for resolution under the procedure established pursuant to section 5a(11) of the Act. The member-to-member procedure shall provide procedural safeguards which must include, at a minimum, fair and equitable procedures conforming to those set forth in rule § 180.2. However, the election of the mixed panel contained in rule § 180.2(a) is not required.

The Commission has determined that additional notice and public procedure with respect to rules §§ 180.1, 180.2, 180.4, 180.5 and 180.6 is unnecessary. This determination is based upon a finding that the amendments to these rules are generally minor and technical in nature.

In consideration of the foregoing, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by adding a new Part 180, as follows:

Sec.
180.1 Definitions.
180.2 Fair and Equitable Procedure.
180.3 [Reserved]
180.4 Counterclaims.

[11] Rule § 180.2 applies to a claim or grievance in an amount less than $15,000. Commission rule § 180.5, however, establishes requirements for dispute settlement procedures involving customer claims or grievances for disputes in excess of $15,000 or which are not otherwise subject to 5a(11) of the Act.

Sec.
180.5 Other Customer Claims and Grievances.
180.6 Member-to-Member Settlement Procedures.

AUTHORITY: Sections 5a(11) and 8a of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 7a(11), 12a (Supp. IV, 1974).

§ 180.1 Definitions.

(a) The term "claim or grievance" as used in this Part shall mean any dispute which arises out of any transaction on or subject to the rules of the particular contract market which is the forum for settlement procedure, executed by or effected through a member of that contract market or employee thereof, which dispute does not require for adjudication the presence of essential witnesses or third parties over whom the contract market does not have jurisdiction and who are not otherwise available. The term claim or grievance does not include disputes arising from cash market transactions which are not a part of, or directly connected with, any transaction for the purchase or sale of any commodity for future delivery.

(b) The terms "customer" and "customers" as used in this Part shall mean any person with a claim or grievance against a member of the particular contract market which is the forum for the arbitration or other dispute settlement procedure, or employee thereof; provided however, that "customer" and "customers" do not include members of the contract market where the claim or grievance arose.

§ 180.2 Fair and Equitable Procedure.

Within ninety days of the effective date of this Part, every contract market shall adopt rules which provide for a fair and equitable procedure through arbitration or otherwise for the settlement of customers' claims and grievances not in excess of $15,000 against any member or employee thereof which shall include at least the following as minimum requirements:

(a) The procedure shall be objective and impartial. Customers must be provided with the choice of a panel or other decision-making body having at least a majority of the persons serving thereon who are not members or associated with any member of the contract market, or employee thereof, and who are not otherwise associated with the contract market. The rules of a contract market may, with proper notice, require the customer to request such a panel or other such decision-making body at the time of submission of the claim or grievance to the procedure, and, if such an election is made, to notify the customer at such time that the panel or other such decision-making body may, in its discretion, assess the losing party with any increased costs or otherwise allocate any incurred costs, if any, attendant to having such a panel or decision-making body. Ex parte contacts by any of the parties with members of any panel shall not be permitted.

(b) The procedure shall grant each of the parties the right, if desired, to be represented by counsel, at his own expense, in any aspect of the procedure.

(c) The procedure shall provide for the prompt settlement of claims or grievances and counterclaims, if any (permitted by § 180.4 of this Part). Unnecessary or unreasonable delay by any of the parties shall not be permitted.

(d) The procedure shall require adequate notice to the parties and opportunity for a prompt hearing as follows:

(1) Each of the parties shall be entitled personally to appear at such hearing, unless the contract market shall have adopted a procedure for the written submission of claims or grievances (and any counterclaims applicable thereto) which are in the aggregate under $2,500. If the claim or grievance (and any counterclaim applicable thereto) is in the aggregate under $2,500, then provision may be made for the claim or grievance of a customer to be resolved without a hearing through a submission on the basis of written documents.

(2) The formal rules of evidence need not apply at the hearing. Nevertheless, the procedures established may not be so informal as to deny due process. Each party must be given adequate opportunity to prepare and present all relevant facts in support of the claims and grievances, defenses or counterclaims (permitted by § 180.4 of this Part), and to present rebuttal evidence to such claims or grievances, defenses or counterclaims made by the other parties.

(3) Each party shall be entitled to examine other parties and any witnesses appearing at the hearing and to examine all relevant documents presented in connection with the claim or grievance, defense or counterclaim applicable thereto.

(4) A verbatim record of the hearing may be required, the cost of which must be reasonable. There shall be no requirement that a verbatim record be transcribed unless requested by a party who shall bear the cost of the transcription, and contract markets shall otherwise seek to minimize the cost associated with such record.

(e) The procedure shall provide adequate notice to the parties in advance of a submission of a claim or grievance, or counterclaim (permitted by § 180.4 of this Part), of the nature and amount of any fees or costs which may be assessed against customers utilizing the procedure. Fees or costs shall be reasonable, particularly in relation to the complexity and amount of the claim or grievance or counterclaim, if any, presented. Costs may be apportioned among the parties or may be assessed against the losing party as the panel or other decision-making body, in its discretion, sees fit.

(f) The procedure shall provide that the settlement award shall be rendered promptly in writing and be final. There shall be no right of appeal to any entity within the contract market which can overturn the settlement-procedure decision; the only right of appeal being as provided under applicable law.

(g) The procedure shall not impose any restrictions on the jurisdiction or venue of any court to enforce an award so rendered.

§ 180.3 [Reserved]

§ 180.4 Counterclaims.

A procedure established by a contract market under the Act for the settlement of customers' claims or grievances against a member or employee thereof may permit the submission of a counterclaim in the procedure by a person against whom a claim or grievance is brought. The contract market may permit such a counterclaim where the counterclaim arises out of the transaction or occurrence that is the subject of the customer's claim or grievance and does not require for adjudication the presence of essential witnesses, parties or third persons over whom the contract market does not have jurisdiction. Such a counterclaim may not be for an amount in excess of $15,000. Other counterclaims are permissible only if the customer agrees to the submission after the counterclaim has arisen, and if the aggregate monetary value of the counterclaim is capable of calculation and is not in excess of $15,000.

§ 180.5 Other Customer Claims and Grievances or Disputes.

A contract market may establish a procedure for settlement of customers' claims and grievances or disputes against any member or employee thereof, which are not covered by §§ 180.1 through 180.4 of this Part. The procedure shall be independent of, and shall not interfere with or delay the resolution of, customers' claims or grievances submitted for resolution under the contract market procedure established pursuant to the Act. The procedure must be voluntary, and must be fair and equitable as defined by § 180.2 of this Part, except that the aggregate monetary value of the claim or grievance or counterclaim, if any, may exceed $15,000.

§ 180.6 Member-to-member Settlement Procedures.

A contract market may establish a procedure for compulsory settlement of claims or grievances or disputes which do not involve customers. If adopted, the procedure shall be independent of, and shall not interfere with or delay the resolution of, customers' claims or grievances submitted for resolution under the procedure established pursuant to the Act. Such a procedure shall provide procedural safeguards which must include, at a minimum, fair and equitable procedures conforming to those set forth in § 180.2 of this Part, except that the election of the mixed panel contained in § 180.2(a) of this Part need not be required.

The foregoing rules adopted by the Commission shall become effective September 30, 1976, except as specified in the rules.

Issued in Washington, D.C., on June 25, 1976, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-19019 Filed 7-1-76;8:45 am]

federal register

BOOK 2 OF 2 BOOKS
FRIDAY, JULY 2, 1976



PART IV:

COMMODITY FUTURES TRADING COMMISSION

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ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Proposed Rule

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 180]

ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Notice of Proposed Rulemaking

On November 24, 1975, the Commodity Futures Trading Commission ("Commission") proposed rules governing contract market arbitration or other dispute settlement procedures, which were published at 40 FR 54430. The Commission has adopted rules §§ 180.1, 180.2, 180.4, 180.5 and 180.6 in substantially the same form as previously proposed. See 41 FR 27520 (same date as this notice). However, the Commission has determined to amend previously proposed § 180.3 in the form set forth below and to seek additional comment from interested persons on the amended proposed rule prior to adoption.

The Commission's previously proposed rule § 180.3 provided that use of the arbitration or other dispute settlement procedures for customers established by contract markets must be voluntary. That rule also stated that contract market rules governing such procedures must prohibit any agreement or understanding pursuant to which customers agreed to submit claims or grievances for settlement under the procedure prior to the time the claim or grievance arose. It also prohibited persons registered with the Commission from entering into any agreement or understanding with the customer in which the customer agreed to submit a claim or grievance, pertaining to any transaction subect to the jurisdiction of the Commission, to an arbitration or other dispute settlement procedure prior to the time such claim or grievance arose. However, these prohibitions did not apply to claims or grievances arising out of transactions occurring prior to the date of adoption of the previously proposed rule and for a period of one year thereafter—provided that such transactions were subject to agreements entered into before the adoption of the rule.

The Commission received favorable comments on this proposal from at least one customer-oriented representative, but the Commission also received several adverse comments on previously proposed rule § 180.3, most of which were made by futures commission merchants. Commentators supporting both of these viewpoints presented legal and policy-oriented arguments in favor of their positions; some of these arguments are discussed below and others are discussed in the Commission's prior explanation of its proposed rules in the FEDERAL REGISTER. See 40 FR 54430, 54432–34 (November 24, 1975). The Commission also received comments from a representative of the American Arbitration Association, who expressed concern that the Commission's proposed rule may have an adverse impact upon the efficacy of arbitration and may tend to discourage persons from utilizing the arbitration process.

The Commission has weighed carefully the comments by futures commission merchants, customer representatives and the American Arbitration Association. And, the Commission has taken cognizance of the utility and need for arbitration, which provides a mechanism for quick and less costly resolution of disputes.[1]

The Commission also recognizes that, unless there is binding arbitration, futures commission merchants and other registered persons will have no recourse except to the courts for settling disputes with customers. This will increase the time in which a dispute may be unresolved and entail greater expense that will ultimately be borne by customers as a cost of doing business. For those reasons, the Commission believes that binding arbitration agreements are to be encouraged. Nevertheless, the Commission believes that it must establish requirements that will assure customers of a futures commission merchant or other registered person do not unknowingly or involuntarily waive rights and remedies available under the Commodity Exchange Act.

Agreements presently utilized by futures commission merchants may discourage customers from using the Commission's reparation procedures under section 14 of the Act, which was intended by Congress to give customers an alternative forum to obtain relief from registered persons who have violated the Commodity Exchange Act or rules thereunder.[2] In this connection, a House report on the legislation which became sections 5a(11) and 14 of the Act stated that:

> This section [Section 14] establishes a formal complaint procedure before the Commission for the adjudication of grievances which result from violations of the Act. It is primarily intended as a forum for aggrieved customers [certain] persons registered under the Act * * *. *The procedure is also intended as a separate remedy designed to supplement the informal "settlement procedures" contemplated of the contract markets* * * * which are required under other sections of the legislation (H.R. 13113, Sections 209 * * *). The Committee expects the Commission to publish regulations, commensurate with these related provisions of the Act, to implement and coordinate these * * * types of grievance proceedings and their utilization and availability for resolution of disputes.[3]

Further, unless there is an informed consent, customers may be unwittingly deprived of a private right of action in the federal courts for violation of the Commodity Exchange Act or rules thereunder.[4]

The Commission has determined that it should be guided by the statutory language of section 5a(11), which requires contract markets to establish arbitration or other dispute settlement procedures that are "voluntary." In this connection, futures commission merchants testified before the Commission in its oral hearing on March 5, 1976, that those firms would refuse to deal with persons who declined to sign binding arbitration agreements contained in customer agreement forms. This precludes a "voluntary" act by customers, since they would be effectively frozen out of the market unless they signed mandatory predispute arbitration agreements. Also, the Commission has observed that the customer agreement forms of most futures commission merchants provide for arbitration of customer claims or grievances in a forum other than the contract market where the claim or grievance arises. The Commission believes, in light of the widespread use of these forms in industry, that such agreements could discourage and may effectively preclude utilization of arbitration or other dispute settlement procedures mandated by section 5a(11) or permitted by the Commission's rules. This frustrates the operation of section 5a(11) in that customers are not being given access to contract market arbitration or other dispute settlement procedures that are "voluntary."

After careful review of the comments it has received, the Commission has determined to amend previously proposed rule § 180.3 in order to assure the efficacy

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[1] The Chief Justice of the United States Supreme Court has only recently stressed the value of arbitration in resolving disputes. See, Speech by Warren Burger, Agenda for 2000 A.D.—Need for Systematic Anticipation, given on April 7, 1976, in St. Paul, Minnesota, before the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice.

[2] 7 U.S.C. § 18 (Supp. IV, 1974). Section 14 of the Act allows any person complaining of violations of the Act by a person registered under the Act to apply to the Commission for reparation of a specific monetary amount. The Commission has established rules of procedure for complaints under section 14, the manner in which hearings are conducted and, where appropriate, procedures for setting the amount of reparation due to the injured party. See 41 F.R. 3994 (January 27, 1976). Section 14 became effective on January 23, 1976. After that date, the Commission can hear claims for reparations arising after January 23, 1975, in that section 14 applies to claims which arose within one year immediately prior to its effective date; thereafter the limitation period becomes a two-year period from the date of the violative transaction. See Section 106 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93–463 (October 23, 1974), as amended, Pub. L. No. 94–16 (April 16, 1975).

[3] H.R. Rep. No. 93–975, 93d Cong., 2d Sess. 22 (1974) (emphasis supplied). The report also stated (*id* at 23) that contract market settlement procedures would be "complementing the Commission's procedures" and that:

> It is the intent of the Committee that those complaints which can be resolved informally and settled without a formal proceeding through the mechanism contemplated of the contract market or * * * futures association should be encouraged to be resolved in such manner.

[4] See generally, e.g., Goodman v. H. Hentz & Co., 265 F. Supp. 440 (N.D. Ill. 1967). The Commission does not support the proposition that a binding arbitration agreement will constitute a waiver of a private right of action where the agreement was not entered into voluntarily or where the customer unknowingly waived this right.

of arbitration or other dispute settlement procedures as well as to meet the requirements of section 5a(11), which require such procedures to be available and to be voluntary. Because of the controversal nature of proposed § 180.3, the Commission has decided to seek additional public comment. As amended, proposed § 180.3 would prohibit agreements between customers and futures commission merchants or other registered persons that require submission of claims or grievances to a binding arbitration procedure prior to the time the claim or grievance arises, unless the agreement meets certain prescribed conditions. For example, the agreement would be required to be in writing and the customer would have to be given specified written warnings in large bold-faced type as to the effect of the agreement. Also, such agreements could not be used to prevent customers from seeking reparations under section 14 of the Act, 7 U.S.C. 18, except as prescribed in the rule.

Proposed rule § 180.3, as amended, thus provides that even where there is a binding arbitration agreement, the customer may elect to seek reparations instead. This option may be exercised by the customer before requesting arbitration or within thirty days after the futures commission merchant or other registered person seeks to arbitrate under the otherwise binding arbitration agreement. In the event the customer seeks a reparation proceeding but the Commission declines to accept the claim under the procedure, the claim may thereafter be submitted to the arbitration procedure under the agreement.[5] Also, aspects of a claim or grievance that are not cognizable in the reparations procedure may be submitted to arbitration (*i.e.*, claims or grievances that do not involve violations of the Act or rules thereunder). If the customer elects the arbitration proceeding, he will thereafter be foreclosed from seeking reparations for the claim or grievance submitted in the proceeding. Similarly, in instances where a reparation proceeding is concluded, there will be a *res judicata* effect as to the matter considered in the reparation proceeding. As was noted in the House report on the legislation which became section 14 of the Act:

> A customer reparation proceeding before the Commission will be authorized * * * for handling customer complaints which arise from violations of the Act, particularly those which result in monetary damages to the customer. The Commission will have original jurisdiction to consider all such complaints which have not been resolved through the informal settlement procedure required of the contract markets [under section 5a(11)] * * *.[6]

If a binding arbitration agreement is utilized prior to the occurrence of the claim or grievance, proposed rule § 180.3, as amended, requires customers to be given adequate warning of their rights. Specifically, such agreements must contain the following warning in large boldface type:

> WHILE THE COMMODITY FUTURES TRADING COMMISSION (CFTC) ENCOURAGES THE SETTLEMENT OF DISPUTES BY ARBITRATION. IT REQUIRES THAT YOUR CONSENT TO SUCH AN AGREEMENT BE VOLUNTARY. YOU NEED NOT SIGN THIS AGREEMENT TO OPEN AN ACCOUNT WITH [name of fcm]. See 17 C.F.R. §§180.1–180.6.
>
> BY SIGNING THIS AGREEMENT, YOU MAY BE WAIVING YOUR RIGHT TO SUE IN A COURT OF LAW, BUT YOU ARE NOT WAIVING YOUR RIGHT TO ELECT LATER TO PROCEED PURSUANT TO SECTION 14 OF THE COMMODITY EXCHANGE ACT TO SEEK DAMAGES SUSTAINED AS A RESULT OF A VIOLATION OF THE ACT. IN THE EVENT A DISPUTE ARISES AND YOU ARE NOTIFIED THAT [name of fcm] INTENDS TO SUBMIT THE DISPUTE TO ARBITRATION, IF YOU BELIEVE A VIOLATION OF THE COMMODITY EXCHANGE ACT IS INVOLVED AND YOU PREFER TO REQUEST A SECTION 14 "REPARATIONS" PROCEEDING BEFORE THE CFTC, YOU WILL STILL HAVE 30 DAYS IN WHICH TO MAKE THAT ELECTION.

Proposed rule § 180.3 requires the arbitration clause in these agreements to be separately endorsed by the customer. If the customer declines to sign this agreement, the futures commission merchant may not use that refusal alone as a ground for rejecting that person as a customer of that firm.

If an arbitration agreement with a customer specifies a forum for settlement other than the arbitration or other dispute settlement procedure established pursuant to section 5a(11) of the Act and Commission rules (e.g., American Arbitration Association or New York Stock Exchange), the proceedings in such a forum must comply with the requirements set forth in Commission rule §180.5. This requirement is designed to assure that customers are given adequate procedural and other protections.

In brief, an agreement for binding arbitration in advance of a claim or grievance could be entered into as follows: A prospective customer of a futures commission merchant would be asked by the futures commission merchant to sign a customer agreement and to separately endorse that part of the agreement containing the binding arbitration agreement and warning. If the prospective customer refuses to do so, such refusal alone could not be used as a basis for declining to deal with the customer. If the customer endorses the clause or clauses and a claim or grievance subsequently arises, the customer may seek to submit the claim or grievance to the reparation procedure under section 14 of the Act at any time prior to submitting the claim or grievance to the arbitration or other dispute settlement procedure specified in the agreement. On the other hand, if the futures commission merchant or other registered person who is a party to the agreement seeks to submit a claim or grievance to the arbitration or other dispute settlement procedure specified in the agreement, the customer must be notified in writing of that intent at least thirty days prior to the submission of the claim or grievance to the procedure. The same notice must also state that the customer may submit the claim or grievance to the reparation procedure available under section 14 of the Act, provided that section is applicable. If a claim or grievance is not submitted to the reparation procedure within thirty days after notice is received by the customer, the arbitration or other dispute settlement procedure may be utilized by the registered person. If the Commission does not commence a reparation proceeding as requested by a customer, or to the extent the claim or grievance is not subject to the reparation procedure, the claim or grievance may be submitted to the arbitration or other dispute settlement procedure under the agreement.

The Commission has also determined to revise the effective date of amended proposed rule § 180.3. As noted, previously proposed rule § 180.3 contained a provision which delayed its effective date for certain existing arbitration agreements. After further consideration, however, the Commission is concerned that this provision may be inconsistent with the rights of persons under the Act who are affected by such agreements. The Commission has determined that amended proposed rule § 180.3, if adopted, would be effective 60 days after notice of adoption is published.

On the effective date, all compulsory arbitration agreements which do not comply with the amended proposed rule § 108.3 will be null and void, including

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[4] Section 14 and the Commission's rules thereunder grant the Commission discretion to determine whether a claim has been made that would be appropriate for a reparation proceeding. See section 14, of the Act and §§ 12.22, 12.25 and 12.31 of the Commission's rules, 41 FR 3994, 4001–02, 4003 (Jan. 27, 1976). Exercise of that discretion by the Commission in determining not to process a claim would not *ipso facto* be a basis for excluding a claim from an arbitration proceeding, since different standards and policies may apply in the arbitration proceeding (e.g. a violation of certain exchange rules may be the basis of an arbitration award, but may not support a reparation award if the particular rule is not a violation of the Commodity Exchange Act or rules thereunder).

[5] H.R. Rep. No. 93–975, 93d Cong., 2d Sess. 2–3 (1974). In its Federal Register notice announcing the adoption of rules of procedure under section 14 of the Act, the Commission stated:

> The Commission is of the opinion that the utilization of either an arbitration proceeding or civil court litigation is a waiver of the remedies available under the reparation procedures if the arbirtaion proceeding or court litigation is pursued to a final decision on the merits. In order to prevent the utilization of the reparation procedures while an arbitration proceeding or civil court litigation is pending, based on the same facts set forth and against the same party or parties named in a complaint, the Commission has determined to require the complainant to set forth in the complaint any pending arbitration proceeding or court litigation based on the facts set forth and against the same party or parties named in the complaint. (§ 12.21(a)(7)). Should such an arbitration proceeding or court litigation be pending at the time the reparation complaint is filed with the Commission, the Commission will ordinarily stay the reparation proceeding pending a decision by the arbitration panel or court.
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> 41 FR 3994 (January 27, 1976).

those heretofore signed by customers. The Commission specifically requests comments regarding whether notice should be given to customers that such agreements will be null and void. In those circumstances where a customer prior to the effective date of amended proposed rule § 180.3 has sought or seeks reparations before an arbitration proceeding has been substantially completed, the Commission believes that the customer has a right under the Commodity Exchange Act from and after January 23, 1975, to seek reparations for violations of the Act. In other circumstances, the Commission believes its views can best be made known in the context of the individual cases which arise. In those cases, such facts as whether the customer was advised of reparations before submitting to arbitration, the stage of completion of the arbitration proceeding, and whether the customer participated in any arbitration proceeding should be given consideration and may militate against the requirement that reparations take precedence over arbitration. For example, where a customer has voluntarily submitted to arbitration and was accorded a full hearing, the Commission does not intend to challenge such actions where the customer had not sought reparations prior to the arbitration proceeding.

In consideration of the foregoing, the Commission hereby proposes to amend Part 180, Chapter I of Title 17 of the Code of Federal Regulations by adding a new § 180.3 as follows:

§ 180.3 Voluntary procedure and compulsory payments.

(a) The use by customers of the procedure established by contract markets pursuant to the Act or this Part shall be voluntary. The procedures so established shall prohibit any argeement or understanding pursuant to which customers of members of the contract market agree to submit claims or grievances for settlement under said procedures prior to the time when the claim or grievance arose, except in accordance with paragraph (b) of this section.

(b) No futures commission merchant, floor broker, associated person or any other person registered with the Commission under the Act shall enter into any agreement or understanding with a customer in which the customer agrees to submit a claim or grievance, pertaining to any matter or transaction subject to the jurisdiction of the Commission, to any settlement procedure prior to the time when the claim or grievance arose, except as follows:

(1) Signing the agreement must not be made a condition for the customer to utilize the services offered by the futures commission merchant or other registered person;

(2) If the agreement is contained as a clause or clauses of a broader agreement, the customer must separately endorse the clause or clauses containing the warning and other provisions specified herein;

(3) The customer must be advised in writing that he or she may seek reparations under section 14 of the Act by an election made within 30 days after the futures commission merchant or other registered person notifies the customer that the registered person intends to demand arbitration under the agreement. This notice must be given at the time when the futures commission merchant or other registered person notifies the customer of its intention to arbitrate. The customer must also be advised that if he or she seeks reparations under section 14 of the Act and the Commission declines to institute reparation proceedings, the claim or grievance will be subject to the preexisting arbitration agreement and must also be advised that aspects of the claims or grievances that are not subject to the reparations procedure (i.e. do not constitute a violation of the Act or rules thereunder) may be required to be submitted to the arbitration or other dispute settlement procedure set forth in the preexisting arbitration agreement.

(4) The customer agreement must contain the following cautionary language printed in large bold-face type:

WHILE THE COMMODITY FUTURES TRADING COMMISSION (CFTC) ENCOURAGES THE SETTLEMENT OF DISPUTES BY ARBITRATION, IT REQUIRES THAT YOUR CONSENT TO SUCH AN AGREEMENT BE VOLUNTARY. YOU NEED NOT SIGN THIS AGREEMENT TO OPEN AN ACCOUNT WITH [name of fcm]. See 17 CFR 180.1–180.6.

BY SIGNING THIS AGREEMENT, YOU MAY BE WAIVING YOUR RIGHT TO SUE IN A COURT OF LAW, BUT YOU ARE NOT WAIVING YOUR RIGHT TO ELECT LATER TO PROCEED PURSUANT TO SECTION 14 OF THE COMMODITY EXCHANGE ACT TO SEEK DAMAGES SUSTAINED AS A RESULT OF A VIOLATION OF THE ACT. IN THE EVENT A DISPUTE ARISES AND YOU ARE NOTIFIED THAT [name of fcm] INTENDS TO SUBMIT THE DISPUTE TO ARBITRATION, IF YOU BELIEVE A VIOLATION OF THE COMMODITY EXCHANGE ACT IS INVOLVED AND YOU PREFER TO REQUEST A SECTION 14 "REPARATIONS" PROCEEDING BEFORE THE CFTC, YOU WILL STILL HAVE 30 DAYS IN WHICH TO MAKE THAT ELECTION.

(5) If the agreement specifies a forum for settlement other than a procedure established pursuant to section 5a(11) of the Act or this Part, the procedures of such forum must comply with the requirements of § 180.5 of this Part.

(c) The procedure established by a contract market pursuant to section 5a (11) of the Act or this Part may require parties utilizing such procedure to agree, under applicable state law, submission agreement or otherwise to be bound by an award rendered in the procedure, provided that the agreement to submit the claim or grievance to the procedure was made in accordance with paragraph (b) of this section or the agreement to submit the claim or grievance to the procedure was made after the claim or grievance arose. Any award so rendered shall be enforceable in accordance with applicable law.

(d) The procedure established by a contract market pursuant to the Act or this Part shall not establish any unreasonably short limitation period foreclosing submission of customers' claims or grievances or counterclaims (permitted by § 180.4 of this Part) by contract market members or employees thereof.

Interested persons may participate in this proposed rule-making proceeding by submitting comments in written form to the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attn: CCU. All comments received on or before July 26, 1976, will be considered before the Commission takes final action on the proposal. Copies of all comments received respecting the proposal will be available for inspection at the Commission's office in Washington, D.C.

(Secs. 5a(11) and 8a, Commodity Exchange Act, as amended, ("Act") 7 U.S.C. 7a(11), 12a)

Issued in Washington, D.C., on June 25, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76–19020 Filed 7–1–76;8:45 am]

federal register

FRIDAY, JULY 2, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index

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 determination 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 deindicated 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, Procedures for Predetermination of Wages Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New York	NY76–3209
Pennsylvania	PA76–3208

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.

Colorado:	
CO76–5043; CO76–5044; CO 76–5045.	May 21, 1976.
Florida:	
FL75–1085	Sept. 5, 1975.
FL76–1036	Mar. 5, 1976.
Idaho:	
ID76–5047	June 4, 1976.
Kansas:	
KS76–4197	Dec. 5, 1975.
Louisiana:	
LA76–4091	May 21, 1976.
Nebraska:	
NE76–4205	June 11, 1976.
Nevada:	
NV76–5003	Jan. 16, 1976.
NV76–5053	June 11, 1976.
Oklahoma:	
OK76–4019	Feb. 6, 1976.
South Dakota:	
SD76–5054; SD76–5055	June 11, 1976.
Texas:	
TX76–4078	May 7, 1976.
TX76–4084	May 21, 1976.
TX76–4101	June 18, 1976.
Virginia:	
MD76–3173	May 21, 1976.
Washington, D.C.:	
DC76–3174	Do.

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.

Arkansas:	
AR–71 (AR76–4111)	Nov. 15, 1974.
California:	
CA76–5148 (CA76–5058); CA76–5149 (CA76–5059).	Dec. 12, 1975.
Indiana:	
IN75–2133 (IN76–2084)	Dec. 19, 1975.
IN76–2056 (IN76–2083); IN76–2057 (IN76–2083).	Apr. 16, 1976.
Kansas:	
MO75–4144 (MO76–4102)	Aug. 1, 1975.
MO75–4008 (MO76–4103)	Jan. 23, 1976.
Missouri:	
MO75–4144 (MO76–4102)	Aug. 1, 1975.
MO75–4008 (MO76–4103)	Jan. 23, 1976.
MO76–4010 (MO76–4105)	Jan. 30, 1976.
MO76–4066 (MO76–4108); MO76–4067 (MO76–4107).	Mar. 5, 1976.
Nevada:	
NV76–5004 (NV76–5065)	Jan. 16, 1976.
New York:	
NY76–3136 (NY76–3198); NY76–3138 (NY76–3202).	Jan. 23, 1976.
Oklahoma:	
AP–304 (OK76–4109)	Aug. 4, 1972.
Tennessee:	
AQ–4051 (TN76–1055)	Jan. 18, 1974.
Texas:	
TX76–4047 (TX76–4110)	Feb. 20, 1976.
TX76–4088 (TX76–4106)	May 21, 1976.

Signed at Washington, D.C., this 25th day of June 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: NEW YORK COUNTY: CHEMUNG
DECISION NO: 76NY-3209 DATE: DATE OF PUBLICATION
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	$10.50	.81	.35		.04
BOILERMAKERS	9.85	.50	.95		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	9.30	.35	.50		
CARPENTERS, BUILDING:					
TWPS. OF SOUTHPORT, BIG FLATS, AND CATLIN:					
CARPENTERS	8.51	.40	.90		.02
MILLWRIGHTS AND PILEDRIVERMEN	8.76	.40	.90		.02
REMAINDER OF COUNTY:					
CARPENTERS & SOFT FLOOR LAYERS	8.90	.35	.50		.04
MILLWRIGHTS AND PILEDRIVERMEN	9.20	.35	.50		.04
CARPENTERS, HEAVY & HIGHWAY					
TWPS. OF CHAMBERS, POST CREEK, BIG FLATS, SAGETOWN	8.92	.50	.95	a	.025
REMAINDER OF COUNTY	9.47	.35	.50	a	.025
CEMENT MASONS, HEAVY & HIGHWAY	8.85	.35	.50		
ELECTRICIANS	11.00	.50	1%+1.00		.05
ELEVATOR CONSTRUCTORS	9.425	.495	.32	3%+b+c	.02
ELEVATOR CONSTRUCTOR HELPERS	6.60	.495	.32	3%+b+c	.02
ELEVATOR CONSTRUCTOR HELPERS PROBATIONARY	4.71				
GLAZIERS	7.18	.35	.30		.01
IRONWORKERS:					
STRUCTURAL, ORNAMENTAL, AND REINFORCING	9.33	.45	.57		.03
LABORERS:					
LABORERS	6.25	.40	.25		
MORTAR MIXER(HAND OR MACHINE FOR 3 OR MORE MEN), JACKHAMMER, PAVEMENT BREAKERS, PIPELAYERS (OVER 6"), GIN BUGGY, WORK ON SCAFFOLD, CHAIN SAW OPERATOR, AND ALL OTHER TYPES OF GAS, ELECTRIC AND AIR TOOLS	6.45	.40	.25		
LATHERS	9.63		.20		.01
LEAD BURNERS	10.50	.40	.25	d	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
LINEMAN	10.40	.65	1%+.60	e	1%
CABLE SPLICER	11.44	.65	1%+.60	e	1%
GROUNDMAN DIGGING MACHINE OP.	9.36	.65	1%+.60	e	1%
GROUNDMAN MOBILE EQUIPMENT OP.	8.32	.65	1%+.60	e	1%
GROUNDMAN TRUCK DRIVER	7.90	.65	1%+.60	e	1%
GROUNDMAN DYNAMITE MAN	8.32	.65	1%+.60	e	1%
PAINTERS:					
BRUSH	7.36	.35	.30		.05
STRUCTURAL STEEL, SWINGING SCAFFOLD, BOATSWAIN CHAIR, BRIDGES; VINYL WALLPAPER	7.71	.35	.30		.05
SPRAY, SANDBLASTING, HIGH STEEL OVER 35 FEET	7.41	.35	.30		.05
BRUSH-ROLL EPOXY	7.26	.35	.30		.05
SPRAY-EPOXY	7.96	.35	.30		.05
PLUMBERS AND STEAMFITTERS	9.60	.60	.80		.10
ROOFERS	8.89	.44	1.00		
SHEET METAL WORKERS	8.87	.46	.60		.07
SPRINKLER FITTERS	11.61	.60	.90		.08

HOLIDAYS:
A-NEW YEAR"S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY; D-LABOR DAY; E- THANKSGIVING DAY; F-CHRISTMAS DAY

FOOTNOTES:

a. PAID HOLIDAYS: MEMORIAL DAY, LABOR DAY.
b. PAID HOLIDAYS: A THROUGH F
c. EMPLOYER CONTRIBUTES 4% BASIC HOURLY RATE FOR 5 YEARS OR MORE OF SERVICE OR 2% BASIC HOURLY RATE FOR 6 MONTHS TO 5 YEARS OF SERVICE AS VACATION PAY CREDIT
d. HOLIDAYS A THROUGH F; WASHINGTON'S BIRTHDAY, GOOD FRIDAY, X-MAS EVE, PROVIDING EMPLOYEE HAS WORKED 30 FULL DAYS DURING THE 90 CALANDER DAYS PRIOR TO THE HOLIDAYS, AND THE REGULAR SCHEDULED WORK DAY IMMEDIATELY PRECEEDING AND FOLLOWING THE HOLIDAYS.
e. PAID HOLIDAYS: A THROUGH F; GOOD FRIDAY, WASHINGTON'S BIRTHDAY, ELECTION DAY FOR PRESIDENT OF THE UNITED STATES AND ELECTION OF GOVERNOR OF NEW YORK STATE, PROVIDED THE EMPLOYEE WORKS THE DAY BEFORE AND AFTER THE HOLIDAY.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.89	.50	.45	a	
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	8.09	.50	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	8.29	.50	.45	a	
Blasters, form setters, stone or granite curb setters	8.49	.50	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-moble and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$10.40	.50	.50+.30	a	.10
I-B	10.65	.50	.50+.30	a	.10
I-C	10.90	.50	.50+.30	a	.10
I-D	11.15	.50	.50+.30	a	.10
I-E	11.65	.50	.50+.30	a	.10
I-F	12.15	.50	.50+.30	a	.10
I-G	12.65	.50	.50+.30	a	.10
I-H	13.15	.50	.50+.30	a	.10
GROUP II	10.40	.50	.50+.30	a	.10
GROUP III	10.22	.50	.50+.30	a	.10
GROUP IV	9.13	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

FOOTNOTES:

a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	.60+a	b	.10
GROUP II	9.27	.55	.60+a	b	.10
GROUP III	8.59	.55	.60+a	b	.10
GROUP IV	7.80	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $. per hour to an Supplemental Unemployment Benefi Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 6"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, ele pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. 76NY-3209

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

NEW DECISION

STATE: Pennsylvania COUNTIES: Bradford, Tioga & Union

DECISION NO.: PA76-3208 DATE: Date of Publication

Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$ 9.55	.50	.35		.01
Boilermaker	11.05	.65	1.00		.02
Bricklayers & Stonemasons	9.60	.45	.50		.025
Carpenters	9.50	.60	.48		.03
Cement Masons	9.45				
Electricians					
ZONE I	9.23	.28	1%+.20	.50	.02
ZONE II	10.45	.30	1%+.20		.05
ZONE III	10.20	.50	1%+.20	.50	.02

AREA COVERED BY ELECTRICIANS ZONES

ZONE I - Tioga County; Remainder of Union and Bradford Counties

ZONE II - E. Buffalo, Union & Lewisburg Borough in Union County

ZONE III - Town of Towanda, that portion of the County last of the Susquehanna River South of Towanda and last of U. S. Highway 309, North of Towanda

Elevator Constructors	9.855	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	70% of JR	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	50% of JR				
Glaziers					
ZONE I	8.80	.35	.50		
ZONE II	8.09	.25	.30		.01

Area Covered By Glaziers Zones

ZONE I - Bradford & Tioga Counties

ZONE II - Union County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers					
ZONE I	$ 9.98	.79	1.11		.03
ZONE II	9.33	.45	.57		.03

AREA COVERED BY IRONWORKERS ZONES

ZONE I - Union County

ZONE II - Bradford & Tioga Counties

Laborers					
CLASS I	7.00	.30	.35		
CLASS II	7.10	.30	.35		
CLASS III	7.15	.30	.35		

LABORER CLASSIFICATION DEFINITIONS

CLASS I - Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition

CLASS II - Mason tenders

CLASS III - Operator of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings

Lead Burners	9.25	.35		c	.01

DECISION NO. PA76-3208	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Lineman, dynamite man, heavy equipment operator	$10.00	.20	1%		3/8 of 1%
Winch truck drivers	7.10	.20	1%		3/8 of 1%
Groundman	6.80	.20	1%		3/8 of 1%
Millwrights	10.61	.35	.40		.03
Painters					
ZONE I					
Brush	8.20				
Steel	8.62				
Spray	9.00				
ZONE II					
Brush	6.95		.20		
Steel	7.25		.20		
Spray	7.65		.20		
Sandblasting	7.80		.20		

AREA COVERED BY PAINTERS ZONES

ZONE I - Sundbury Township in Union County

ZONE II - Bradford & Tioga Counties; Remainder of Union County

Piledrivermen	10.42	1.88	1.30	d	.12
Plasterers					
ZONE I	9.30	.40	.40		
ZONE II	9.10				

AREA COVERED BY PLASTERERS ZONES

ZONE I - East of Susquehanna River in Bradford County

ZONE II - Tioga, Union and Remainder of Bradford County

DECISION NO. PA76-3208	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Steamfitters					
ZONE I	$ 9.76	.64	.45	.20	.03
ZONE II	10.74	.40	.75		.04

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE I - Tioga & Union Counties and Eastern half of Bradford County

ZONE II - Western half of Bradford County

Power Equipment Operators					
GROUP 1	11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

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CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well oints, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core driller helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft and over

GROUP 7A: 150 ft. and over

GROUP 7B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Daym and Christmas Day, provided the employee works the day before and after the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers					
Composition & Kettleman	$ 9.30	.65	.70		
Sheet Metal Workers	10.08	.50	.50		.02
Soft Floor Layers	8.63	.35	.40		.03
Sprinkler Fitters	11.61	.60	.90		.08
Truck Drivers					
ZONE I	7.00				
ZONE II					
CLASS 1	7.20	.20	.20		
CLASS 2	7.30	.20	.20		
CLASS 3	7.40	.20	.20		
CLASS 4	7.50	.20	.20		
CLASS 5	7.35	.20	.20		
CLASS 6	7.70	.20	.20		
CLASS 7	7.80	.20	.20		
CLASS 8	7.45	.20	.20		

TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen

CLASS 2 - Trucks over 30,000 lbs. (includes fuel and water trucks)

CLASS 3 - Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks, Semi trailer

CLASS 4 - Low Boy

CLASS 5 - Concrete micer trucks

CLASS 6 - Earth moving equipment up to 35 ton (belly dump, side dump, end dump, etc.), distributor truck (oil, jar, asphalt, etc.)

CLASS 7 - Earth moving equipment over 35 ton (belly dump, side dump, end dump, etc.)

CLASS 8 - A-frame and winch trucks (when used for hauling material on bed of truck), concrete, mixer trucks (tri-axle)

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AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Union County

ZONE 2 - Tioga County

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS (WHERE APPLICABLE);
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Six Paid Holidays: A through F.

c. Nine Paid Holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans Day and Thanksgiving Day.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CO76-5043 - Mod. #2 (41 FR 21055 - May 21, 1976) El Paso County, Colorado					
Change:					
Electricians	$10.95	.42	1%+.30		.015
DECISION #CO76-5044 - Mod. #2 (41 FR 21061 - May 21, 1976) Las Animas, Otero and Pueblo Counties, Colorado					
Change:					
Electricians:					
Zone I (0-12 miles from P. O.)					
Electricians	10.70	.52	1%+.65		1%
Cable Splicers	11.77	.52	1%+.65		1%
Zone II (12-20 miles from P. O.)					
Electricians	11.10	.52	1%+.65		1%
Cable Splicers	12.17	.52	1%+.65		1%
Zone III (20-40 miles from P. O.)					
Electricians	11.45	.52	1%+.65		1%
CCable Splicers	12.52	.52	1%+.65		1%
Zone IV (over 40 miles from P. O.)					
Electricians	12.58	.52	1%+.65		1%
Cable Splicers	13.65	.52	1%+.65		1%
Electrical contracts under $20,000 in Zones III & IV	10.20	.52	1%+.65		1%
DECISION NO. CO76-5045 - Mod. #2 (41 FR 21069 - May 21, 1976) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
Change:					
Electricians:					
Electricians	10.20	.42	1%+.25		1½%
Cable Splicers	10.45	.42	1%+.25		1½%

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL75-1085 - Mod. # 2 (40 FR-41363 - September 5, 1975) Dade County, Florida					
Change:					
Electricians	9.00	4.5%	1%+2%	5%	0.5%
DECISION # FL76-1036 - Mod. #2 (41 FR 9755 - March 5, 1976 Orange County, Florida					
Change:					
Boilermakers	8.80	.60	1.00		.01
Bricklayers:					
Bricklayers	8.35	.35	.40		.02
Stone masons	8.35	.35	.40		.02
Marble masons	8.35	.35	.40		.02
Plasterers	8.35	.35	.40		.02
Cement masons	8.35	.35	.40		.02
Electricians:					
Electrical contracts less than $20,000	7.00	.55	1%		1%
All other work	9.45	.55	1%		1%
Plumbers	9.48	.35	.40	(.50)	.10
Steamfitters	9.48	.35	.40	(.50)	.10

MODIFICATIONS P. 3

DECISION #ID76-5047 - Mod. #1 (41 FR 22739 - June 4, 1976) Statewide, Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Benewah, Bonner, Boundary, Clearwater, Idaho (north of the northern boundary of Township #29 North), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties:					
Carpenters	$9.74	.60	.55		.055
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	9.89	.60	.55		.055
Shingler (wood and composition)	9.94	.60	.55		.055
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	9.99	.60	.55		.055
Millwrights and Machine Erector	10.24	.60	.55		.055
Piledriver (creosoted material)	10.14	.60	.55		.055
Remainder of Counties and Idaho County (south of the northern boundary of Township #29 North):					
Carpenters; Floor Layers; Shinglers; Drywall Applicator and Installer	8.79	.52	.45	.45	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	8.96	.52	.45	.45	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	9.08	.52	.45	.45	.10

MODIFICATIONS P. 4

DECISION #ID76-5047 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cement Masons:					
Benewah, Bonner, Boundary, Clearwater, Idaho (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties:					
Cement Masons	$9.64	.50	.75		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	9.79	.50	.75		.04
Remainder of Counties and Idaho County (south of 46th Parallel):					
Cement Masons	8.67	.45	.45	.30	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.87	.45	.45	.30	.10
Glaziers:					
Benewah, Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis and Nez Perce Counties	7.28	.31	.25	.28+b	
Ironworkers:					
Remaining Counties and those portions of Adams, Idaho, Valley and Washington Counties located south of the Weiser-Gibbonsville line	9.89	.55	1.00		.02
Laborers (Area 2)					
Remaining Counties and that portion of Idaho County south of 46th Parallel:					
Group 1	6.87	.60	.77	.20	.10
Group 2	6.97	.60	.77	.20	.10
Group 3	7.07	.60	.77	.20	.10
Group 4	7.17	.60	.77	.20	.10
Group 5	7.22	.60	.77	.20	.10
Group 6	7.47	.60	.77	.20	.10
Group 7	7.72	.60	.77	.20	.10

DECISION #ID76-5047 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (cont'd)					
Underground work:					
Group 8	$7.02	.60	.77	.20	.10
Group 9	7.17	.60	.77	.20	.10
Group 10	7.47	.60	.77	.20	.10
Painters:					
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (western third of county including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley and Washington Counties:					
Painters and Tapers	8.10	.45	.30		.07
Elmore (Mt. Home AFB):					
Painters and Tapers	9.10	.45	.30		.07
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties:					
Brush	9.42	.40	.70		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	9.67	.40	.70		.02
Swing Stage; Over 30 ft. high Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on legs	9.77	.40	.70		.02
	9.82	.40	.70		.02
Plasterers:					
Remaining Counties	8.57	.45	.45	.30	
Plumbers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	11.60	.65	1.10	1.00	.11

DECISION #ID76-5047 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison Oneida, Power and Teton Counties	$9.18	.37	3% + .20	.75	.06+.02
Remaining Counties	10.21	.57	.50		.12+.02
Soft Floor Layers:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding (western third of county including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley and Washington Counties	7.00	.25	.10		.10
Truck Drivers (Area 1)					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah Lewis, Nez Perce and Shoshone Counties:					
Group 1	8.88	.97	.70		
Group 2	8.93	.97	.70		
Group 3	8.98	.97	.70		
Group 4	9.08	.97	.70		
Group 5	9.28	.97	.70		
Group 6	9.33	.97	.70		
Group 7	9.38	.97	.70		
Group 8	9.43	.97	.70		
Group 9	9.53	.97	.70		
Group 10	9.58	.97	.70		
Group 11	9.88	.97	.70		
Group 12	10.03	.97	.70		
Group 13	10.18	.97	.70		
Group 14	10.33	.97	.70		
Truck Drivers (Area 2)					
Remaining Counties and that portion of Idaho County south of 46th Parallel:					

MODIFICATIONS P. 7

DECISION #ID76-5047 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Area 2) (Cont'd)					
Group 1	$7.97	.60	.65	.25	.10
Group 2	8.03	.60	.65	.25	.10
Group 3	8.09	.60	.65	.25	.10
Group 4	8.15	.60	.65	.25	.10
Group 5	8.20	.60	.65	.25	.10
Group 6	8.46	.60	.65	.25	.10
Group 7	8.52	.60	.65	.25	.10
Group 8	8.58	.60	.65	.25	.10
Group 9	8.69	.60	.65	.25	.10
Group 10	8.75	.60	.65	.25	.10
Group 11	8.81	.60	.65	.25	.10
Group 12	8.87	.60	.65	.25	.10
Group 13:					
Class A	8.35	.60	.65	.25	.10
Class B	8.46	.60	.65	.25	.10
Class C	8.69	.60	.65	.25	.10
Class D	8.87	.60	.65	.25	.10
Class E	8.98	.60	.65	.25	.10
Class F	9.10	.60	.65	.25	.10
Class G	9.38	.60	.65	.25	.10
Class H	9.61	.60	.65	.25	.10
Class I	9.84	.60	.65	.25	.10
Group 14	9.26	.60	.65	.25	.10

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS75-4197 - Mod. #1					
(40 FR 57091 - December 5, 1975)					
Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Wilsin and Woodson Counties, Kansas					
Omit:					
Geary and Riley Counties					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4091 - Mod. #3					
(41 FR 21084 - May 21, 1976)					
Statewide Louisiana					
Change:					
Carpenters:					
Zone 4	$ 8.80	.20	.30		.04
Cement masons (Highway Construction):					
Zone 3	7.10	.30			
Elevator constructors:					
Zone 2:					
Elevator constructors	8.795	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers (Building Construction):					
Zone 2	9.64	.45	.35		.04
Laborers (Building Construction):					
Zone 4:					
Group 1	6.13	.15	.20		.05
Group 2	6.23	.15	.20		.05
Group 3	6.28	.15	.20		.05
Zone 5:					
Group 1	5.73	.15	.20		.05
Group 2	5.83	.15	.20		.05
Group 3	5.88	.15	.20		.05
Line construction:					
Zone 7:					
Linemen; Operators	9.40	.60	1%		1%
Cable splicers	9.90	.60	1%		1%
Groundmen	7.40	.60	1%		1%
Piledrivermen:					
Zone 2	8.80	.20	.30		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NE76-4205 - Mod. #1					
(41 FR 23903 - June 11, 1976)					
Lancaster County, Nebraska					
Change:					
Carpenters	$ 7.75	.45	.30		
Piledrivermen	8.00	.45	.30		
Ironworkers	8.43	.50	.40	.70	
Marble Masons	8.10				
DECISION #NV76-5003 - Mod. #3					
(41 FR 2591 - January 16, 1976)					
Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Asbestos Workers	$11.36	.78	$1.02		
Boilermakers	12.00	.75	1.00	.50	.02
Carpenters:					
Millwrights	9.96	.55	.90	1.00	.10
Elevator Constructors	12.00	.495	.32	3% + a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Glaziers	11.57	.35		4%	.05
Laborers:					
Group 1	7.63	.51	1.25	1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
Roofers	11.68	.65			
Soft Floor Layers	11.72	.40			.15
Sprinkler Fitters	14.80	.60	.90		.08

DECISION #NV76-5053 - Mod. #1
(41 FR 23906 - June 11, 1976)
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.17	.78	.87	$1.00	
Carpenters:					
Carpenters	8.64	.45	.60	.80	.03
Floor Layers	8.665	.45	.60	.80	.03
Millwrights	8.94	.45	.60	.80	.03
Laborers:					
Group 1	7.63	.51	1.25	1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
Power Equipment Operators: (Except Piledriving and Steel Erection):					
Group 1	9.13	.95	1.75	.30	.04
Group 2	9.37	.95	1.75	.30	.04
Group 3	9.61	.95	1.75	.30	.04
Group 4	9.72	.95	1.75	.30	.04
Group 5	9.91	.95	1.75	.30	.04
Group 6	10.01	.95	1.75	.30	.04

DECISION NO. NV76-5053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators (cont.)					
Group 7	$8.96	.75	$1.75	.30	
Group 7-A	8.67	.75	1.75	.30	
Group 7-B	8.56	.75	1.75	.30	
Group 7-C	8.32	.75	1.75	.30	
Roofers	11.68	.65			
Delete:					
Carpenters (Tonopah Test Range):					
Carpenters; Power Actuated Tools	6.86	.45		$2.10	
Floorlayers; Shinglers	6.885	.45		2.10	
Power Saw Operator (overhead)	7.005	.55		2.10	

DECISION NO. OK76-4019 - Mod. #3
(41 FR 5553 - February 6, 1976)
McIntosh County, Oklahoma

CHANGE Mod No. 1 dated June 25, 1976 to read Mod. No. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. SD76-5054 - Mod. #1					
(41 FR 23925 - June 11, 1976)					
Minnehaha County, South Dakota					
Change:					
Bricklayers; Stonemasons	$9.70	.35	.40		
Electricians:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	9.52	.40	1%	6%	1½%
Cable Splicers	10.47	.40	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	10.52	.40	1%	6%	1½%
Cable Splicers	11.47	.40	1%	6%	1½%
DECISION #SD76-5055 - Mod. #1					
(41 FR 23926 - June 11, 1976)					
Meade and Pennington Counties, South Dakota					
Change:					
Carpenters:					
Carpenters, Acoustical and Drywall Applicators	9.01		.30		.05
Piledrivermen	9.26		.30		.05
Millwrights	9.51		.30		.05
Laborers:					
Laborers; Power Tool Operator or all Mechanical air, gas, electrical tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	5.65	.50	.15		
Gunnite Nozzlemen; Powdermen; Miner; Timberman	6.15	.50	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4078 - Mod. #2					
(41 FR 19032 - May 7, 1976)					
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Plumbers	$ 8.56	.35	.55	.60	
DECISION #TX76-4084 - Mod. #2					
(41 FR 21141 - May 21, 1976)					
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Plumbers & pipefitters:					
Zone 1	8.56	.35	.55	.60	
Zone 2	8.81	.35	.55	.60	
Zone 3	9.06	.35	.55	.60	
Sheet metal workers	9.43	.35	.30		.10
DECISION #TX76-4101 - Mod. #1					
(41 FR 24876 - June 18, 1976)					
Brazos County, Texas					
Change:					
Carpenters	8.70				

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD76-3173 - Mod. #2 (41 FR 21104 - May 21, 1976) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia					
Change:					
Lathers	$ 9.51	.50	.50		.025
Marble Setters	11.35	.45	.60		.05
Stone Masons	11.35	.45	.60		.05
Omit:					
From Location the City of Alexandria and Dulles International Airport, Virginia					
DECISION #DC76-3174 - Mod. #3 (41 FR 21159 - May 21, 1976) Washington, D. C.					
Change:					
Lathers	$ 9.51	.50	.50		.025
Marble Setters	11.35	.45	.60		.05
Stone Masons	11.35	.45	.60		.05

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Statewide
DECISION NO.: AR76-4111 DATE: Date of Publication
Supersedes Decision No. AR-71, dated November 15, 1974 in 39 FR 40409
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, and water and sewer utilities.

DECISION NO. AR76-4111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$4.70				
Carpenters	4.70				
Concrete finisher	4.70				
Ironworkers:					
Structural	4.20				
Reinforcing	3.40				
Laborers:					
Air tool operator	3.40				
Asphalt heater operator	3.40				
Asphalt raker	3.90				
Carpenter helper	3.50				
Chain saw operator	3.30				
Checker grade	3.40				
Concrete finisher helper	3.50				
Concrete joint sealer	3.40				
Concrete saw operator	3.50				
Form setter (pavement)	3.60				
Laborer	2.76				
Pipelayer	2.60				
Powderman	4.20				
Vibratorman	3.30				
Painter	4.20				
Pile driver leadman	4.10				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	3.60				
Asphalt plant fireman	3.06				
Asphalt plant drier operator	3.06				
Batch plant operator	3.66				
BULLDOZER OPERATOR:					
Finish	4.40				
Rough	4.00				
Bull float operator	3.86				
Concrete curing machine operator	4.00				
Concrete mixer operator (less than 5 sacks)	3.50				
Concrete mixer operator (5 sacks or over)	4.40				

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete paver operator	$4.40				
Concrete spreader operator	4.50				
Crane, derrick, dragline, shovel, backhoe operator (1½yd. or less)	4.60				
Crane, derrick, dragline, shovel, backhoe operator (over 1½ yard)	4.70				
Crusher operator	3.60				
Distributor operator	3.70				
Drill operator (wazon or truck)	4.00				
Elevating grader operator	4.40				
Euclid or like equipment operator (bottom or end dump)	3.60				
Finishing machine operator	4.00				
Forklift operator	3.30				
Form grader operator	3.30				
Front end loader operator:					
Finish	4.40				
Rough	4.00				
Hydro seeder operator	3.60				
Mechanic	4.40				
Mechanic helper	4.00				
Motor Patrol Operator:					
Finish	4.40				
Rough	4.00				
Mulching machine operator	3.60				
Oiler and greaser	3.50				
Pile driver operator	4.10				
Pub. mill operator	3.30				
Roller operator (self-propelled)	3.60				
Scraper Operator:					
Finish	4.40				
Rough	4.00				
Sod slicing machine operator	3.30				
Stabilizer mixing machine operator	3.70				
Tractor operator (crawler type)	3.60				
Tractor operator (farm & wheel)	3.30				
Tractor operator wheel type (with attachments 1 yard or under)	3.70				
Trenching machine operator	3.70				
Stonemasons	4.70				

DECISION NO. AR76-4111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Distributor truck driver	$3.60				
Semi-trailer	3.60				
Lowboy driver	4.00				
Transit mix truck driver	3.60				
Truck driver (heavy-maximum pay load in excess of 3000 lbs)	3.40				
Truck driver (light-maximum pay load 3000 lbs)	3.30				
Welder, finish	4.40				
Welder, rough	4.00				
Well driller	4.65				
Well driller helper	3.35				
Electricians	6.00				
Electricians helper	4.50				

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA76-5058
Supersedes Decsion No. CA76-5148 dated December 12, 1975, in 40 FR 58016
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	$12.35	.80	$1.02		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Inyo, Kern and Mono Counties	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach), Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Counties	11.10	1.03	1.35		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.85	1.65	.50	
CARPENTERS:					
Carpenters	9.54	1.30	1.80	.80	.06
Saw Filers	9.62	1.30	1.80	.80	.06
Table Power Saw Operators	9.64	1.30	1.80	.80	.06
Shinglers; Piledrivermen, bridge, or dock Carpenters; Derrick Bargemen; Rock Slinger	9.67	1.30	1.80	.80	.06
Hardwood Floor Layers	9.74	1.30	1.80	.80	.06
Head Rock Slinger	9.77	1.30	1.80	.80	.06
Pneumatic Nailer	9.79	1.30	1.80	.80	.06
Millwrights	10.04	1.30	1.80	.80	.06
CEMENT MASONS:					
Cement Masons	9.41	1.10	1.75	1.00	.08
Cement Floating and Troweling Machine	9.66	1.10	1.75	1.00	.08
DRYWALL INSTALLERS	10.74	1.02	1.55	.80	.07

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Imperial County					
Electricians	$12.75	.50	1%+1.25		
Cable Splicers	13.03	.50	1%+1.25		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	13.30	.70	1%+1.25		.15
Cable Splicers	14.63	.70	1%+1.25		.15
Kern County (Remainder of County)					
Electricians; Technicians	10.80	.70	1%+1.25		.15
Cable Splicers	11.88	.70	1%+1.25		.15
Los Angeles County					
Electricians	11.79	1.05	1%+1.70		.02
Cable Splicers	12.09	1.05	1%+1.70		.02
Traffic Signal and Street Lighting:					
Electricians	11.79	1.05	1%+1.70		.02
Utility Technician No. 1	8.84	1.05	1%+1.70		.02
Utility Technician No. 2	8.25	1.05	1%+1.70		.02
Tunnel:					
Electricians	12.97	1.05	1%+1.70		.02
Cable Splicers	13.27	1.05	1%+1.70		.02
Sound Technicians:					
Sound Technicians (on building construction)	11.07	.50	1%		
Sound Technicians (on modification of existing buildings)	8.71	.50	1%		
Orange County					
Electricians	11.50	.45	1%+1.35		.02
Cable Splicers	12.03	.45	1%+1.35		.02
Riverside County					
Electricians	10.71	.60	1%+1.25		.04
Cable Splicers	11.01	.60	1%+1.25		.04
Inyo, Mono and San Bernardino Counties					
Electricians	10.60	.71	1%+1.50		.04
Cable Splicers	10.90	.71	1%+1.50		.04
Tunnel:					
Electricians	11.66	.71	1%+1.50		.04
Cable Splicers	11.96	.71	1%+1.50		.04

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
San Luis Obispo County					
Electricians	$10.98	.88	17%+1.15		.03
Cable Splicers	12.08	.88	17%+1.15		.03
Santa Barbara County (Vandenburg AFB)					
Electricians	12.65	.90	17%+1.15		.03
Cable Splicers	13.65	.90	17%+1.15		.03
Remainder of County					
Electricians	11.15	.90	17%+1.15		.03
Cable Splicers	12.15	.90	17%+1.15		.03
Ventura County					
Electricians	11.78	.84	17%+.80		.02
Cable Splicers	12.96	.84	17%+.80		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	12.00	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	12.39	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	10.76	.55	.95		.04
IRONWORKERS:					
Fence Erectors	9.64	1.03	1.65	1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental; Structural	10.53	1.03	1.65	1.10	.03

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	$8.70	10%	16%	13%	3/4%
LATHERS:					
Inyo, Kern and Mono Counties	9.13	.60	1.30	.70	.05
Los Angeles County (except City of Lancaster)	11.00	.60	.75		.03
Ventura County	9.06	.60	1.10	1.00	.02
San Luis Obispo County	7.72	.87		3.20	
Santa Barbara County	8.72	.57	1.00	1.50	
LINE CONSTRUCTION:					
Imperial County					
Groundmen	10.20	.50	17%+1.25		
Linemen	12.75	.50	17%+1.25		
Cable Splicers	13.03	.50	17%+1.25		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	11.50	.70	17%+1.00		.10
Linemen	14.50	.70	17%+1.00		.10
Cable Splicers	15.95	.70	17%+1.00		.10
Kern County (Remainder of County)					
Groundmen	9.00	.70	17%+1.00		.10
Linemen	12.00	.70	17%+1.00		.10
Cable Splicers	13.20	.70	17%+1.00		.10
Orange County:					
Groundman 1st year	9.36	.45	17%+1.35		.02
Groundman 2nd year	9.92	.45	17%+1.35		.02
Lineman; Heavy Equipment Operators	11.50	.45	17%+1.35		.02
Cable Splicers	12.03	.45	17%+1.35		.02
Los Angeles County					
Groundmen	8.83	.71	17%		
Linemen	11.77	.71	17%		
Cable Splicers	12.07	.71	17%		
Riverside County					
Groundmen	8.05	.60	17%+1.25		.04
Linemen; Line Equipment Operators	10.73	.60	17%+1.25		.04
Cable Splicers	11.03	.60	17%+1.25		.04

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Ventura County					
Groundmen	$9.24	.70	1%+.55		.02
Linemen	10.42	.70	1%+.55		.02
Cable Splicers	11.46	.70	1%+.55		.02
Santa Barbara County (Vandenburg AFB)					
Groundmen	9.86	.90	1%+1.15		.03
Linemen	12.65	.90	1%+1.15		.03
Cable Splicers	13.65	.90	1%+1.15		.03
Remainder of County:					
Groundmen	8.36	.90	1%+1.15		.03
Linemen	11.15	.90	1%+1.15		.03
Cable Splicers	12.15	.90	1%+1.15		.03
MARBLE SETTERS:					
Inyo and Mono Counties	9.26	.81	.51	1.03	
Imperial County	9.64	.62	1.00	.75	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
MARBLE SETTERS' HELPERS:					
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.98	1.11	1.20		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)					
Brush; Paint Burners	9.82	.74	1.10	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	10.32	.74	1.10	.75	.07
Brush (swing stage); Spray	10.07	.74	1.10	.75	.07
Steeplejack	11.22	.74	1.10	.75	.07

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (Except Pomona Area), Mono, San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	$10.27	.41	.50	.50	.01
Structural steel and bridge; Painter Bruner	10.39	.41	.50	.50	.01
Tapers	10.72	.41	.50	.50	.01
Brush Swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	10.52	.41	.50	.50	.01
Brush swing stage (over 13 stories)	10.64	.41	.50	.50	.01
Structural steel and bridge, swing	10.67	.41	.50	.50	.01
Spray sandblaster swing stage (13 stories or less); Paste Machine; Special coating spray	10.77	.41	.50	.50	.01
Steeplejack	11.52	.41	.50	.50	.01
Kern County (Remainder of County)					
Brush	9.27	.45	.51		.03
Brush or Roller, swing stage; Paperhangers; Taping joint sheet rock	9.52	.45	.51		.03
Spray; Sandblasters	9.77	.45	.51		.03
Steeplejack	10.77	.45	.51		.03
San Luis Obispo, Santa Barbara, and Ventura Counties					
Brush	10.75	.65	.50		.03
Iron and steel; Paperhangers; Paste Machine Operator; Sandblaster	10.99	.65	.50		.03
Spraymen	11.24	.65	.50		.03
Steeplejack	11.99	.65	.50		.03
Tapers, sheet rock	10.89	.65	.50		.03

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	$9.37	.45	.30	b	
Striper Helper	7.87	.45	.30	b	
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface; Sandblaster	8.27	.45	.30	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.37	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	8.27	.45	.30	b	
Squeegee Man	7.77	.45	.30	b	
Applicator Operator	7.37	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.87	.45	.30	b	
Remaining Counties:					
Traffic Delineating Device Applicator	8.27	.45	.30	b	
Striper; Wheel Stop Installer; Surface Sandblaster	7.88	.45	.30	b	
Helper (striper, wheel stop installer, traffic surface sandblaster)	6.48	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	7.88	.45	.30	b	
Squeegee Man	6.88	.45	.30	b	
Applicator Operator	6.48	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.48	.45	.30	b	
PLASTERERS:					
Imperial County	10.07	.45	1.00	.85	.06
Los Angeles and Orange Counties	9.745	.68	1.85	.70	.10
Riverside and San Bernardino Cos.	10.675				.01
San Luis Obispo County	11.00				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	$10.33	.85	$1.65	.45	
Kern County (China Lake Naval Ordance Test Station, Edwards AFB)	11.175	.85	1.65	.50	
Kern County (Remainder of County)	8.55	.85	1.65	.50	
Los Angeles and Orange Counties	9.225	.85	1.95	.75	
San Luis Obispo County	7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	9.98	.85	1.65	.50	
Santa Barbara County (Santa Maria)	10.18	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.95	10%	16%	13%	3/4%
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Counties	10.53	.95	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	13.03	.95	1.60	1.00	.17
REFRIGERATION AND AIR CONDITIONING:					
Riverside and San Bernardino Counties	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	9.99	.50	.75	1.00	
Inyo, Kern and Mono Counties	7.75	.50	.50		
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	
Los Angeles, Orange and Ventura Counties	10.74	.82	.80		.045
San Luis Obispo and Santa Barbara Counties	9.23	.535	.34		.0025
SHEET METAL WORKERS:					
Imperial County	11.25	.94	1.90		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	11.02	.99	1.80		.02
Riverside & San Bernardino Cos.	8.25	.69	1.05		.05

DECISION NO. CA76-5058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
San Luis Obispo, Santa Barbara and Ventura Counties	$11.00	.94	$1.60		
SOFT FLOOR LAYERS:					
Imperial County	9.39	.55	1.00		.07
Inyo (including Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	9.12	.65	.62	.52	.03
Kern County (remaining portion)	9.02	.60	.45	.52	.03
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Heuneme)	14.82	.60	.90		.08
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Heuneme)	13.86	.56	.80		.09
TERRAZZO WORKERS:					
Imperial County	10.04	.72	1.00	.75	
TILE SETTERS:					
Imperial County	10.04	.72	1.00	.75	
Los Angeles, Orange and Ventura Counties	11.40	.80	1.00		.08
San Luis Obispo and Santa Barbara Counties	8.47	1.05	1.20	.85	.01
TILE SETTERS' HELPERS:					
Imperial County	7.64	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	8.96	1.11	1.20		.13

DECISION NO. CA76-5058

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 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.

b. Employer contributes $.21 per hour to Holiday Fund plus $.12 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.32 per hour to Vacation Fund, 5 years but less than 10 years $.42 per hour to Vacation Fund; over 10 years $.52 per hour to Vacation Fund.

DECISION NO. CA76-5058

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling or shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (walls, slab decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$7.20	.85	$1.65	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCLUDING CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCK TENDER: Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10

DECISION NO. CA76-5058

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	$7.39	.85	$1.65	.50	.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING and INCLUDING RUBBER GASKET JOINTS, POINTING and ANY and ALL OTHER SERVICES	7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN: Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburg chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN and IRONER: Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not sepatately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46	.85	1.65	.50	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, Pot men and men applying ashpalt, lay-kold, creosote, lime caustic and similar type materials	$7.54	.85	$1.65	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER; Pipelayers (non-metallic including Sewer, Drain and Underground Tile); Prefabricated Manhole installer	7.71	.85	1.65	.50	.10
BLASTER POWDERMAN	7.85	.85	1.65	.50	.10
STEEL HEADBOARD MAN AND GUIDE-LINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
HEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
Nozzlemen and Rodmen	8.82	.85	1.65	.50	
Gunmen	8.32	.85	1.65	.50	
Reboundmen	7.36	.85	1.65	.50	

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LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete crew, including Rodders and Spreaders; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man	$8.68	.85	$1.65	.50	
CABLE TENDER; Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	8.80	.85	1.65	.50	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer Man; Shotcrete Man; Steel Form Raiser and setter; Timberman; Retimber (wood or steel); Tunnel concrete finisher	8.96	.85	1.65	.50	
SHAFT, Raise miner; Diamond driller	9.24	.85	1.65	.50	

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POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEVERMAN	$10.77	.95	$1.75	.30	.04
WATCH ENGINEER; Welder	10.22	.95	1.75	.30	.04
DECKMATE	9.77	.95	1.75	.30	.04
WINCH MAN (Stern winch or dredge	9.70	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	9.19	.95	1.75	.30	.04
(CLAM SHELL DREDGES)					
LEVERMAN	10.77	.95	1.75	.30	.04
WATCH ENGINEER	10.22	.95	1.75	.30	.04
DECKMATE	9.77	.95	1.75	.30	.04
BARGEMATE	9.70	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	9.19	.95	1.75	.30	.04

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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:	$8.07	$1.00	.65	$1.00	.10
Group 2:	8.15	1.00	.65	1.00	.10
Group 3:	8.21	1.00	.65	1.00	.10
Group 4:	8.30	1.00	.65	1.00	.10
Group 5:	8.33	1.00	.65	1.00	.10
Group 6:	8.35	1.00	.65	1.00	.10
Group 7:	8.39	1.00	.65	1.00	.10
Group 8:	8.40	1.00	.65	1.00	.10
Group 9:	8.45	1.00	.65	1.00	.10
Group 10:	8.48	1.00	.65	1.00	.10
Group 11:	8.53	1.00	.65	1.00	.10
Group 12:	8.55	1.00	.65	1.00	.10
Group 13:	8.60	1.00	.65	1.00	.10
Group 14:	8.85	1.00	.65	1.00	.10
Group 15:	9.10	1.00	.65	1.00	.10
Group 16:	9.20	1.00	.65	1.00	.10

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (Ground); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); 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; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator - (oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) Road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (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 yd. and up to and including 1 1/2 yds.); Tractor operator, 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

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Compactor, self-propelled operator; Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (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; Rubber-tired earth moving equipment, (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 (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and including 6-1/2 yds.); Self-propelled curb and gutter machine; Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturer's rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than 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 machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; (Long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist operator; Stiff Legs, Guy Derrick or similar type up to and including 100 tons (Long boom pay applicable); Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Party Chief; Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; (Long Boom pay applicable); Wood mixer and similar pugmill equipment

Group 8: Auto grader operator; Automatic slip form; Crane - over 100 tons (Long Boom pay applicable); Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more)(Long boom pay applicable); Mass excavator; Mechanical finishing machine; Mobile Farm Traveler Operator; Motor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

patrol (Multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Rubber tired self-loading scraper operator (Paddle wheel-auger type, self-loading - 2 or more units); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour additional for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All-off-highway equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA76-5059

DATE: Date of Publication

Supersedes Decision No. CA75-5149 dated December 12, 1975, in 40 FR 58026

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	$12.35	.80	$1.02		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Kern County	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Counties	11.10	1.03	1.35		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.85	1.65	.50	
CARPENTERS:					
Carpenters	9.54	1.30	1.80	.80	.06
Saw Filers	9.62	1.30	1.80	.80	.06
Table Power Saw Operators	9.64	1.30	1.80	.80	.06
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	9.67	1.30	1.80	.80	.06
Hard wood Floor Layers	9.74	1.30	1.80	.80	.06
Head Rock Slinger	9.77	1.30	1.80	.80	.06
Pneumatic Nailer	9.79	1.30	1.80	.80	.06
Millwrights	10.04	1.30	1.80	.80	.06
CEMENT MASONS:					
Cement Masons	9.41	1.10	1.75	1.00	.08
Cement Floating and Troweling Machine	9.66	1.10	1.75	1.00	.08
DRYWALL INSTALLERS	10.74	1.02	1.55	.80	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Imperial County					
Electricians	$12.75	.50	1%+1.25		
Cable Splicers	13.03	.50	1%+1.25		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	13.30	.70	1%+1.00		.10
Cable Splicers	14.63	.70	1%+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	10.80	.70	1%+1.25		.15
Cable Splicers	11.88	.70	1%+1.25		.15
Los Angeles County					
Electricians	11.79	1.05	1%+1.70		.02
Cable Splicers	12.09	1.05	1%+1.70		.02
Orange County					
Electricians	11.50	.45	1%+1.35		.02
Cable Splicers	12.03	.45	1%+1.35		.02
Riverside County					
Electricians	10.71	.60	1%+1.25		.04
Cable Splicers	11.01	.60	1%+1.25		.04
San Bernardino County					
Electricians	10.60	.71	1%+1.50		.04
Cable Splicers	10.90	.71	1%+1.50		.04
San Luis Obispo County					
Electricians	10.98	.88	1%+1.15		.03
Cable Splicers	12.08	.88	1%+1.15		.03
Santa Barbara County (Vandenberg AFB)					
Electricians	12.65	.90	1%+1.15		.03
Cable Splicers	13.65	.90	1%+1.15		.03
Remainder of County					
Electricians	11.15	.90	1%+1.15		.03
Cable Splicers	12.15	.90	1%+1.15		.03
Ventura County					
Electricians	11.78	.84	1%+.80		.02
Cable Splicers	12.96	.84	1%+.80		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	$12.00	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	12.39	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	10.76	.55	.95		.04
IRONWORKERS:					
Fence Erectors	9.64	1.03	1.65	1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental; Structural	10.53	1.03	1.65	1.10	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	8.70	10%	16%	13%	3/4%
LATHERS:					
Kern County	9.13	.60	1.30	.70	.05
Los Angeles County (except City of Lancaster)	11.00	.60	.75		.03
Ventura County	9.06	.60	1.10	1.00	.02
San Luis Obisop County	7.72	.87		3.20	
Santa Barbara County	8.72	.57	1.00	1.50	
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area); San Bernardino (excluding Western portion)					
Brush; Paint Burners	9.82	.74	1.10	.75	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	$10.32	.74	1.10	.75	.07
Brush (swing stage); Spray	10.07	.74	1.10	.75	.07
Steeplejack	11.22	.74	1.10	75	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	10.27	.41	.50	.50	.01
Structural steel and bridge; Painter Burner	10.39	.41	.50	.50	.01
Tapers	10.72	.41	.50	.50	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	10.52	.41	.50	.50	.01
Brush swing stage (over 13 stories)	10.64	.41	.50	.50	.01
Structural Steel and bridge, swing	10.67	.41	.50	.50	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	10.77	.41	.50	.50	.01
Steeplejack	11.52	.41	.50	.50	.01
Kern County (remainder of County)					
Brush	9.27	.45	.51		.03
Brush or Roller, Swing stage; Paperhangers; Taping Joint Sheet Rock	9.52	.45	.51		.03
Spray; Sandblasters	9.77	.45	.51		.03
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	10.75	.65	.50		.03
Iron and Steel; Paperhangers; Paste machine operator; Sandblaster	10.99	.65	.50		.03
Spraymen	11.24	.65	.50		.03
Steeplejack	11.99	.65	.50		.03
Tapers, sheetrock	10.89	.65	.50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Imperial County	$10.07	.45	$1.00	.85	.06
Los Angeles and Orange Counties	9.745	.68	1.85	.70	.10
Riverside and San Bernardino Counties	10.675				.01
San Luis Obispo County	11.00				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	10.33	.85	1.65	.45	
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	11.175	.85	1.65	.50	
Kern County (Remainder of County	8.55	.85	1.65	.50	
Los Angeles and Orange Counties	9.225	.85	1.95	.75	
San Luis Obispo County	7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	9.98	.85	1.65	.50	
Santa Barbara County (Santa Maria)	10.18	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	10.95	10%	16%	13%	3/4%
Kern (except east of Los Angeles Aqueduct)	10.53	.95	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	13.03	.95	1.60	1.00	.17
REFRIGERATION & AIR CONDITIONING					
Riverside and San Bernardino Counties	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	9.99	.50	.75	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	10.74	.82	.80		.045
San Luis Obispo and Santa Barbara Counties	9.23	.535	.34		.0025
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Imperial County	$11.25	.94	$1.90		
Kern, Los Angeles (North of a line between Gorman and Big Pines)	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	11.00	.94	1.60		
SOFT FLOOR LAYERS:					
Imperial County (Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	9.39	.55	1.00		.07
Kern County (Remaining portion)	9.12	.65	.62	.52	.03
SPRINKLER FITTERS:	9.02	.60	.45	.52	.03
Imperial, Kern, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	14.82	.60	.90		.08
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	13.86	.56	.80		.09
TILE SETTERS:					
Imperial County	10.04	.72	1.00	.75	
Los Angeles, Orange and Ventura Counties	11.40	.80	1.00		.08
San Luis Obispo and Santa Barbara Counties	8.47	1.05	1.20	.85	.01
TILE SETTERS' HELPERS:					
Imperial County	7.64	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	8.96	1.11	1.20		.13

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 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.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 7.20	.85	1.65	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCKTENDER; Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	7.39	.85	1.65	.50	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46	.85	1.65	.50	.10
DRILLER, JACKHAMMER - 2 1/2 Ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.71	.85	1.65	.50	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	7.54	.85	1.65	.50	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 7.71	.85	1.65	.50	.10
BLASTER POWDERMAN	7.85	.85	1.65	.50	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
HEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	8.82	.85	1.65	.50	.10
GUNMEN	8.32	.85	1.65	.50	.10
REBOUNDMEN	7.36	.85	1.65	.50	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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:	$8.07	$1.00	.65	$1.00	.10
Group 2:	8.15	1.00	.65	1.00	.10
Group 3:	8.21	1.00	.65	1.00	.10
Group 4:	8.30	1.00	.65	1.00	.10
Group 5:	8.33	1.00	.65	1.00	.10
Group 6:	8.35	1.00	.65	1.00	.10
Group 7:	8.39	1.00	.65	1.00	.10
Group 8:	8.40	1.00	.65	1.00	.10
Group 9:	8.45	1.00	.65	1.00	.10
Group 10:	8.48	1.00	.65	1.00	.10
Group 11:	8.53	1.00	.65	1.00	.10
Group 12:	8.55	1.00	.65	1.00	.10
Group 13:	8.60	1.00	.65	1.00	.10
Group 14:	8.85	1.00	.65	1.00	.10
Group 15:	9.10	1.00	.65	1.00	.10
Group 16:	9.20	1.00	.65	1.00	.10

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (Ground); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); 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; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator - (oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) Road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (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 yd. and up to and including 1 1/2 yds.); Tractor operator, 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

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Compactor, self-propelled operator; Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; Le-Tourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (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; Rubber-tired earth moving equipment, (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 (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and including 6-1/2 yds.); Self-propelled curb and gutter machine; Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturer's rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than 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 machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; (Long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist operator; Stiff Legs, Guy Derrick or similar type up to and including 100 tons (Long boom pay applicable); Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Party Chief; Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; (Long Boom pay applicable); Wood mixer and similar pugmill equipment

Group 8: Auto grader operator; Automatic slip form; Crane - over 100 tons (Long Boom pay applicable); Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more)(Long boom pay applicable); Mass excavator; Mechanical finishing machine; Mobile Farm Traveler Operator; Motor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

patrol (Multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Rubber tired self-loading scraper operator (Paddle wheel-auger type, self-loading - 2 or more units); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

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TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour additional for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment with Teamster's jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN76-2082 DATE: Date of Publication
Supersedes Decision No. IN76-2056 dated April 16, 1976, in 41 FR 16374
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh & Vigo	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Counties	$10.95	.35	.65		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	10.66	.50	.35		.05
Dearborn County	9.96	.45	.85		.02
Vanderburgh County	10.09	.35	.30		
BOILERMAKERS:					
Dearborn County	8.30	.30	.70		.01
Remainder of Counties	10.85	.80	1.00		.03
BRICKLAYERS:					
Allen County:					
Bricklayers; Marble setters & Stonemasons	8.79	.30	.25		.01
Bartholomew, & Monroe Counties:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.75	.30	.30		.02
Benton & Tippecanoe Counties:					
Bricklayers; Marble Setters Stonemasons	9.85	.48	.35		.01
Terrazzo workers & Tile setters	9.85	.48	.35		.01
Dearborn County	8.25		.30		
Delaware County:					
Bricklayers; Marble setters; & Stonemasons	8.75	.40	.25		.01
Tile setters	8.50	.40	.25		.01
Grant County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.40	.40	.30		
Marion County:					
Bricklayers; & Stonemasons	10.05	.30	.30		.06
Marble setters ; & Tile setters	9.66	.30	.30		.04
Terrazzo workers	9.40	.30	.30		.03
Vanderburgh County:					
Bricklayers; Stonemasons	9.33	.50	.30		
Marble setters; Terrazzo workers; & Tile setters	8.90		.30		
Vigo County:					
Bricklayers; Stonemasons	10.35	.40	.70		.01
Marble setters; Terrazzo workers & Tile setters	9.95	.40	.70		.01

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CARPENTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allen County:					
Carpenters; & Soft floor layers	$ 8.73	6%a			.04
Millwrights; & Piledrivermen	9.06	6%a			.04
Bartholomew County (Camp Atterbury) & Marion County:	10.65				
Carpenter; Millwrights	10.65	.50	.60		.08
Bartholomew County (Remainder of County):					
Carpenters; & Soft floor layers	8.49	.35	.45		.03
Millwrights	8.99	.35	.45		.03
Piledrivermen	8.74	.35	.45		.03
Benton; & Tippecanoe Counties;					
Carpenters & Soft floor layers	9.36	.40	.40		.02
Millwrights; & Piledrivermen	9.71	.40	.40		.02
Dearborn County:					
Carpenters; & Soft floor layers	8.54	.35	.45		.03
Millwrights	9.04	.35	.45		.03
Piledrivermen	8.79	.35	.45		.03
Delaware County:					
Carpenters; Soft Floor layers	8.35	.40	.25		.05
Piledrivermen	8.55	.40	.25		.05
Millwrights	8.65	.40	.25		.05
Grant County:					
Carpenters	8.93	.60	.60		.05
Piledrivermen	9.13	.60	.60		.05
Millwrights	9.43	.60	.60		.05
Monroe County:					
Carpenters; Soft floor layers	8.65	.45	.25		.01
Millwrights & Piledrivermen	8.90	.45	.25		.01
Vanderburgh County:					
Carpenters & Soft Floor layers	8.85	.40	.35		
Millwrights; & Piledrivermen	9.10	.40	.35		
Vigo County:					
Carpenters; & Soft Floor layers	8.83	.35	.40		.02
Piledrivermen	9.28	.35	.40		.02
Millwrights	9.88	.35	.40		.02
CEMENT MASONS:					
Allen County	8.70	.40			
Bartholomew County	8.30				
Benton & Tippecanoe Counties	8.10	.45	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Dearborn County	$ 6.50				
Delaware & Grant Counties	8.90	.60			
Marion County	8.96	.50			.04
Monroe County	8.25				
Vanderburgh County	9.00	.65	.55		
Vigo County	9.55	.60	.25		
ELECTRICIANS:					
Allen County	9.85	.25	1%+.30		.06
Bartholomew & Marion Counties	10.65	3%	5%		.5%
Benton & Tippecanoe Counties	10.45	.40	1%		1/4 of 1%
Dearborn County:					
Up to & including 18-mile radius from Hamilton County, Ohio Court House	10.00	.60	1%+.30		.5%
Over 18-mile radius up to & including 21 mile-radius from Hamilton County, Ohio Court House	10.30	.60	1%+.30		.5%
Over 21-mile radius up to & including 25-mile radius from Hamilton County, Ohio Court House	10.40	.60	1%+.30		.5%
Over 25-mile radius from Hamilton County, Ohio Court House	10.55	.60	1%+.30		.5%
Delaware County	10.15	.40	1%+.30		.2%
Grant County	9.90	.40	1%+.30		.2%
Monroe County	10.00	.40	1%+.40		.01
Vanderburgh County	11.15	.40	1%		1/4 of 1%
Vigo County	10.60	.40	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Allen & Grant Counties:					
Elevator constructors	9.66	.495	.32	4%+b+c	.02
Helpers	6.76	.495	.32	4%+b+c	.02
Helpers (Prob.)	4.83				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties:					
Elevator Constructors	9.95	.495	.32	4%+b+c	.02
Helpers	6.965	.495	.32	4%+b+c	.02
Helpers (Prob.)	4.975				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (cont'd)					
Dearborn County:					
Elevator constructors	10.635	.493	.32	4%+b+c	.02
Helpers	7.44	.495	.32	4%+b+c	.02
Helpers (Prob.)	5.32				
Vanderburgh County:					
Elevator Constructors	10.03	.495	.32	4%+b+c	.02
Helpers	7.02	.495	.32	4%+b+c	.02
Helpers (Prob.)	5.015				
GLAZIERS:					
Allen & Grant Counties	8.88	d		.30+e	.04
Bartholomew, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	9.89				
Benton County	7.80	.25	.25	.25	
Dearborn County	10.10		.35		.005
Vanderburgh County	9.305	.48	.50	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant (excluding s/w portion) Counties	10.75	.75	.95		.01
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Counties	10.15	.65	.90		.05
Marion County	10.00	.65	.90		.05
Benton, & Tippecanoe Counties	9.49	.65	.90		.05
Dearborn County:					
Ornamental; Structural	10.545	.65	.70		.03
Reinforcing	9.895	.65	1.30		.02
Vanderburgh County	8.15	.25	.25		
Vigo County	10.15	.75	1.70		.10
LABORERS (Wrecking):					
Marion County:					
Wrecking laborers; Mason tenders	6.20	.35	.35		.07
Jackhammer; drill & compactor operators	6.40	.35	.35		.07
Cutting torch or burner	6.75	.35	.35		.07
LATHERS:					
Bartholomew, Marion, Monroe, & Vigo Counties	10.45	.45			.04
Benton & Tippecanoe Counties	8.54	.40	.35		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Dearborn County	$11.145		.25		.025
Delaware and Grant Counties	8.15		.25		.01
Vanderburgh County	9.07				.01
LEADBURNERS	9.25	.35		f	.01
MARBLE & TILE SETTERS' HELPERS:					
Bartholomew, Dearborn, Delaware, Grant, Marion, Monroe and Tippecanoe Counties	7.60				
Vigo County	7.40	.40	.70		.01
PAINTERS:					
Allen and Grant Counties:					
Brush; Paperhangers; Roller; and Tapers	7.75	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10
Bartholomew County:					
Brush; Drywall Taping and Finishing; and Rollers	8.05				
Sandblasting; Spray; Swing Stage	9.05				
Structural Steel	8.05				
Benton and Tippecanoe Counties:					
Brush	8.45				
Structural Steel	8.70				
Sand Blasting	9.50				
Spray	11.72				
Dearborn County:					
Brush; Roller; Wallwashing; Drywall taping and finishing, wallpaper and vinyl hanging; floor sanding; Seamless flooring and finishing; Sandblasting; Hopper tending; Steamcleaning	8.10				
Spray	8.60				
Delaware County:					
Brush; Taping	8.00		.50		
Sandblasters; Spray	8.75		.50		
Steeplejack; Water towers	9.00		.50		
Marion County:					
Brush; Drywall Tapers and Finishers; Rollers	9.31	.39	.20		
Sandblasters; Spray	10.31	.39	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Monroe County:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	7.90			.30	
Structural Steel	8.65			.30	
Sandblasting; Spray	8.90			.30	
Vanderburgh County:					
Brush; Roller	7.75	.55	.30		
Sandblasting; Spray	8.50	.55	.30		
Vigo County:					
Brush, Drywall finishing; Paperhangers; & Rollers	8.50			.25	
Spray	9.50			.25	
Structural Steel to 30'	8.75			.25	
Structural Steel 30' to 100'	9.50			.25	
Structural Steel over 100'	10.50			.25	
PIPEFITTERS; Steamfitters:					
Dearborn County	10.80	.70	.975		.06
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Counties	10.80	.50	.70		.04
PLASTERERS:					
Allen County	7.59	.40			
Bartholomew County	9.10				
Benton (Eastern 2/3 west to & incl. Boswell, Bark Park, & Raub) & Tippecanoe Counties	9.00	.45			
Dearborn County	6.50				
Delaware & Grant Counties	8.40	.65			.01
Marion County	10.30	.40			.01
Vanderburgh County	9.64				
Vigo County	9.00	.50	.50		
PLUMBERS:					
Dearborn County	9.92	.65	.90		.05
PLUMBERS; Steamfitters:					
Allen County	10.05	.35	.65		.07
Bartholomew (Excluding Camp Atterbury) County	10.50	.40	.30		.05
Benton & Tippecanoe Counties	10.30	.40	.75		.10
Delaware County	10.28	.40	.35	g	.10
Grant County	10.15	.40	.55		.05
Monroe County	10.15	.40	.70		.10

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PLUMBERS; Steamfitters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vanderburgh County	$11.33	.50	.80		.06
Vigo County	11.25	.40	.80		.10
ROOFERS:					
Allen County	8.75		.10		
Bartholomew, Marion, Monroe, Counties					
Composition; Waterproofers	9.76	.30	.40		
Slate, Tile, Asbestos, & Precast slab	10.01	.30	.40		
Helpers	8.26	.30	.40		
Benton & Tippecanoe Counties:					
Composition	9.80	.40	.28		
Slate, Tile, Asbestos	10.05	.40	.28		
Dearborn County	10.745		.85		.01
Delaware County:					
Slate, tile and Asbestos; Composition, damp & Waterproofers	8.25	.25	.10		
Coal tar pitch	8.75	.25	.10		
Grant County	6.80		.10		
Vanderburgh County:					
Composition	8.68	.40	.25		
Concrete slab & gypsum plank	8.93	.40	.25		
Slate & Tile	8.93	.40	.25		
Helpers	6.06	.40	.25		
Vigo County:					
Roofers; Kettlemen	8.50	.40	.20		
SHEET METAL WORKERS:					
Allen & Grant Counties	9.89	.40	.35		.06
Bartholomew, Delaware, Marion & Monroe Counties	10.36	.55	.55		.06
Benton & Tippecanoe Counties	9.73	.40 &h	.30		.06
Dearborn County	8.995	.40	.70		.02
Vanderburgh County	10.15	.40	.35		.02
Vigo County	8.90	.31&h	.45		.05
SPRINKLER FITTERS	11.40	.60	.90		.08
TERRAZZO WORKERS; Tile Setters:					
Allen County	8.85				
TERRAZZO WORKERS' HELPERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe & Vigo Counties	8.60				

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allen County:					
Up to & incl. 1 ton	$ 7.8675	i	j		
Sweeper attached & Dist. water wagon	8.1675	i	j		
1½ to & incl. 3 tons; forklift	7.9675	i	j		
Tandem; Double bottoms; lowboys; Tri-axle; winch; boom	8.0675	i	j		
Semi	8.0175	i	j		
Euclid; Earthmover	8.3175	i	j		
Benton & Tippecanoe Counties:					
Single axles; Straight trucks; Warehousemen	6.75	k	l	m	
Helpers; Greasers; Tiremen	6.70	k	l	m	
Tandem axles; Straight trucks & Doglegs	6.85	k	l	m	
Bituminous distributors	6.90	k	l	m	
Semi-trucks & mechanics, Tri-axle	7.05	k	l	m	
Marion County:					
Up to & incl. 3 tons & Helpers	7.865	n	o	p	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	8.015	n	o	p	
Truck mechanics	7.94	n	o	p	

DECISION NO IN76-2082

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6% for Health & Welfare includes pension
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, & 2% for employee who has worked in business less than 5 years.
d. When an employee has been employed by an employer for 6 continuous months, the employer will contribute $5.00 per week toward his Hospital/Medical premiums if the employer does not have a pre-established Hospital/Medical plan. If an employee has met the 6-month qualification & is off work for any reason for over 30 continuous calendar days, the employer will not make the above $5.00 weekly contribution to the employee until the employee returns to work on a regular basis
e. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer
f. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
g. 2 paid holidays: C&D
h. 3% of gross earnings to SASMI
i. $18.00 per week per employee
j. $19.50 per week per employee
k. $17.00 per week per employee
l. $14.00 per week per employee
m. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
n. $20.00 per week per employee
o. $22.00 per week per employee
p. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

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LABORERS:
BUILDING CONSTRUCTION

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.50	$7.40	$6.65
GROUP II	7.90	7.70	7.60	6.85
GROUP III	8.00	7.80	7.70	6.95
GROUP IV	8.70	8.50	8.40	7.65
GROUP V:				
A.	7.90	7.90	----	----
B.	7.775	7.775	----	----
C.	8.00	8.00	----	----
D.	7.975	7.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$6.75	$6.95	$6.90	$7.00
GROUP II	6.95	7.15	7.10	7.20
GROUP III	7.05	7.25	7.20	7.30
GROUP IV	7.75	7.95	7.90	8.00

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.50	.45		.09
ALL OTHER AREAS	.50	.40		.09

AREAS

AREA I: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA IA: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA IB: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA IIA: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA IIB: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA IIIA: Marion & Shelby Counties

AREA IIIB: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur, Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA IIIC: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutemen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

II176-2082 Cont'd.

POWER EQUIPMENT OPERATORS

Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.55	.40	.40		.05
GROUP 2	9.70	.40	.40		.05
GROUP 3	8.35	.40	.40		.05
GROUP 4	7.55	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

II176-2082 Cont'd.

Bartholomew, Dearborn, & Vanderburgh Counties

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

1 of 2

POWER EQUIPMENT OPERATORS

Monroe, & Vigo Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.05	.40	.50		.07
GROUP II	9.95	.40	.50		.07
GROUP III	9.75	.40	.50		.07
GROUP IV	7.50	.40	.50		.07

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

IN76-2082

Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties

LINE CONSTRUCTION

EXCLUSIVE OF CALUMET AREA

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%

CALUMET AREA

Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

LINE CONSTRUCTION

Vanderburgh County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.15	.40	1%		
GROUNDMAN	9.79	.40	1%		
TRUCK DRIVER	10.10	.40	1%		

DECISION NO. IN76-2082

TRUCK DRIVERS
Bartholomew, Dearborn, Delaware, Grant, & Monroe Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.05	13.50a	13.00a	b	
GROUP 2	8.10	13.50a	13.00a	b	
GROUP 3	8.15	13.50a	13.00a	b	
GROUP 4	8.20	13.50a	13.00a	b	
GROUP 5	8.25	13.50a	13.00a	b	
GROUP 6	8.30	13.50a	13.00a	b	
GROUP 7	8.40	13.50a	13.00a	b	
GROUP 8	8.45	13.50a	13.00a	b	
GROUP 9	8.50	13.50a	13.00a	b	
GROUP 10	8.55	13.50a	13.00a	b	
GROUP 11	8.70	13.50a	13.00a	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:

a. Per Week per employee

b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

IN76-2082

TRUCK DRIVERS: Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.345	.325	12.00a		
GROUP 2	7.455	.325	12.00a		
GROUP 3	7.565	.325	12.00a		
GROUP 4	7.635	.325	12.00a		
GROUP 5	7.675	.325	12.00a		
GROUP 6	7.405	.325	12.00a		
GROUP 7	7.515	.325	12.00a		
GROUP 8	7.175	.325	12,00a		
GROUP 9	7.245	.325	12.00a		

CLASSIFICATIONS

GROUP 1
Single axle straigh trucks, batch truck, wet or dry, over 3(3½E) batches

GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3½E) batches, farm tractors pulling trailers

GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers

GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)

GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types

GROUP 6
Drivers on bituninous distributors two-man

GROUP 7
Drivers on bituminous distributors one-man

GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.

GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

IN76-2082 (Cont'd.)

TRUCK DRIVERS: Vigo County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 7.085	.50	14.00a		
GROUP II	7.585	.50	14.00a		
GROUP III	7.785	.50	14.00a		
GROUP IV	7.935	.50	14.00a		

FOOTNOTE:
a. Per Week Per Employee

CLASSIFICATIONS

GROUP I
Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3½E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and tiremen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles

GROUP II
Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, bug bottom dumps, tournapulls, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tone, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-"3½E" batches, two (2) men oil distributors

GROUP III
Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, tractor trailers, tandem, A-Frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-"3½E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors

GROUP IV
Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Kochring or similar dumpsters, track trucks, Euclids, hug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, pole trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN76-2083
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. IN76-2057, dated April 16, 1976 in 41 FR 16383
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

*Lake, LaPorte, Porter, & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$10.36	.58	.67		.05
LaPorte & St. Joseph Counties	11.32	.35	.15		
BOILERMAKERS	10.85	.80	1.00		.03
BRICKLAYERS:					
Lake & Porter Counties:					
Bricklayers; Marble setters & Stone Masons	11.30	.45	.55		.02
Tile setters	10.30	.45	.55		.02
LaPorte County:					
Bricklayers; Marble setters & Stone masons	11.04	.45	.65		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.04	.50	.35		.05
Marble setters	8.70	.40	.35	a	.01
Terrazzo workers & Tile setters	8.10	.40	.35	a	.01
CARPENTERS:					
Lake, LaPorte, & Porter Counties					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	10.63	.50	.57		.05
St. Joseph County:					
Building construction:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	9.58	.46	.50		.05
Heavy & Highway construction:					
Carpenters	9.58	.50	.50		.05
CEMENT MASONS:					
Building construction:					
Lake County (Hammond Area)	10.32	.60	.55		.01
Lake County (Remainder of Co.); Porter County (Western ½ of Co.)	9.47	.60	.65		.01
LaPorte County; Porter County (Eastern ½ of Co.)	9.58	.60	.90		.03
St. Joseph County	8.61	.40	.50		.01
Heavy and Highway construction:					
Porter County (Eastern ½ of Co.)	8.62	.45	.70		.03
Porter County (Western ½ of Co.)	9.47	.60	.65		.01
St. Joseph County	8.86	.40	.50		.01
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	10.10	.60	.55		.01
Lake County (Remainder of Co.)	10.00	.60	.65		.01
LaPorte County	9.42	.60	.90		.03

DECISION NO IN76-2083

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Lake County	$10.30	5%	6.3%	1%	.7%
LaPorte & Porter Counties	10.30	3⅜%	5⅜%	1%	.2%
St. Joseph County	9.60	3.8%	5%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	11.31	.495	.32	1%+b+c	.02
Helpers	7.92	.495	.32	1%+b+c	.02
Helpers (Prob.)	5.655				
LaPorte & St. Joseph Counties:					
Elevator constructors	9.57	.495	.32	1%+b+c	.02
Helpers	6.70	.495	.32	1%+b+c	.02
Helpers (Prob.)	4.785				
GLAZIERS:					
Lake County (excluding Hammond); Porter County	7.80	.25	.25	.25	
LaPorte & St. Joseph Counties	7.25	.35		1%	½of1%
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	11.73	.50	1.18		.06
LaPorte (Remainder of Co.), & St. Joseph Counties	9.60	.65	.80		.01
LATHERS:					
Lake & Porter Counties	8.25		.35	.50	
LaPorte & St. Joseph Counties	9.07	.38	.35		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	7.90	.42	.35		.02
Sandblasting; Spray	8.65	.42	.35		.02
Paperhanging; Vinyl	8.15	.42	.35		.02
Industrial:					
Brush & Roller	8.65	.42	.35		.02
Sandblasting; Sign painters; Spray	9.40	.42	.35		.02
Lake County (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	8.50	.47	.40		.05
Sandblasting; Spray; Steam-Cleaning; machine spray striping	9.25	.47	.40		.05
Paperhanger	8.75	.47	.40		.05

DEICSION NO IN76-2083

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Industrial:					
Brush	$ 9.50	.47	.40		.05
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	10.25	.47	.40		.05
LaPorte County (Excluding Michigan City); St. Joseph Co.:					
Brush; Drywall Tapers & Finish; Paperhanging; Spray & Vinyl	8.29		.20		
LaPorte County (Michigan City):					
Brush; Roller	7.60			.19	
Sandblasting; Spray	8.60			.19	
Porter County (Remainder of Co.):					
Brush; Sandblasters; Drywall tapers	8.00				
Spray	9.00				
PIPEFITTERS:					
Lake, LaPorte, & Porter Counties	10.35	.55	.70		.02
PLASTERERS					
Lake County (Hammond Area)	9.44	.60	.55		.01
Lake County (Gary Area); Porter County (Valparaiso)	8.30	.60	.25		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	9.33	.60	.90		.03
St. Joseph County	8.77	.40	.50		.01
PLUMBERS:					
Lake County (Hammond Area)	11.17	.80	.70		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	10.55	.50	1.05		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	10.92	.40	.55		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	9.95	.48	.70		.10

DECISION NO. IN76-2083

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$11.34	.47	.35		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	8.75	.40	.30		.03
Slate, Tile & Asbestos	8.90	.40	.30		.03
Helpers	5.00	.40	.30		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	10.67	.48	.67		.10
St. Joseph County	9.45	.48	.50		
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	10.00	.60	.70		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	11.40	.60	.90		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	7.60	20.00e	20.00e	.35	
4 axles	7.80	20.00e	20.00e	.35	
5 axles	8.00	20.00e	20.00e	.35	
6 axles	8.20	20.00e	20.00e	.35	
St. Joseph County (Building Construction):					
Pick-up	6.54		14.00e	f	
Single axle	6.75		14.00e	f	
Tandem or fuel	6.86		14.00e	f	
Tri axle	6.91		14.00e	f	
Semi trailer	6.96		14.00e	f	
LaPorte Co. (Bldg., Construction)					
4 wheel; sheet metal	6.80	21.50e	22.00e	g	
6 wheel; semis	6.90	21.50e	22.00e	g	
Transit mix	7.20	21.50e	22.00e	g	
Euclids	7.30	21.50e	22.00e	g	
Winch	7.05	21.50e	22.00e	g	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 8 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.
g. 1 year's service - 1 week's vacation; 3 years' service - 2 weeks' vacation; 10 years' service - 3 weeks' vacation; 20 years' service - 4 weeks' vacation

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

Lake County, & Porter County
(North of U.S. Hwy #20)
LABORERS:
SEWER & TUNNEL
CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.15	.35	.40		.09
GROUP B	7.35	.35	.40		.09
GROUP C	7.45	.35	.40		.09
GROUP D	8.15	.35	.40		.09

LaPorte County and Porter County
(South of U.S. Hwy #20)
LABORERS
SEWER & TUNNEL
CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, dock engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

1 of 3

LABORERS:
BUILDING CONSTRUCTION

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.50	$7.40	$6.65
GROUP II	7.90	7.70	7.60	6.85
GROUP III	8.00	7.80	7.70	6.95
GROUP IV	8.70	8.50	8.40	7.65
GROUP V:				
A.	7.90	7.90	----	----
B.	7.775	7.775	----	----
C.	8.00	8.00	----	----
D.	7.975	7.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$6.75	$6.95	$6.90	$7.00
GROUP II	6.95	7.15	7.10	7.20
GROUP III	7.05	7.25	7.20	7.30
GROUP IV	7.75	7.95	7.90	8.00

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.50	.45		.09
ALL OTHER AREAS	.50	.40		.09

LABORERS:

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AREAS

AREA I: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA IA: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA IB: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA IIA: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA IIB: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA IIIA: Marion & Shelby Counties

AREA IIIB: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur, Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA IIIC: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

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LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Lake County	Remaining Counties				
			Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.30	$6.60	.50	.40		.08
GROUP 2	7.45	6.75	.50	.40		.08
GROUP 3	7.50	6.80	.50	.40		.08
GROUP 4	7.60	6.90	.50	.40		.08
GROUP 5	8.15	7.45	.50	.40		.08

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

Lake, LaPorte, & Porter Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

St. Joseph County

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

Lake, LaPorte, & Porter Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.35	.65	.85		.05
CLASS II	9.90	.65	.85		.05
CLASS III	9.45	.65	.85		.05
CLASS IV	8.35	.65	.85		.05
CLASS V	7.40	.65	.85		.05
St. Joseph County					
CLASS I	10.25	.65	.85		.05
CLASS II	9.80	.65	.85		.05
CLASS III	9.35	.65	.85		.05
CLASS IV	8.25	.65	.85		.05
CLASS V	7.30	.65	.85		.05

CLASSIFICATIONS

CLASS I: Auto patrol; Automatic dry batch plant; Automated sub-grader; Automated slip form paver; Automated finish machine; Backhoe - tractor mounted, ½ yd or over; Ballast regulator (R.R.); Concrete mixer, 27 cu. ft. or over; Concrete pump; Core drilling machine; Crane or derrick with any attachments, incl. Clamshell, Dragline, Shovel, Backhoe, etc.; Dredge engineer; Dredge op.; Euclid loader; Gradall; Lead greaser; Highlift shovel 3 yds. & over; Hoist - 2 & 3 drum; Locomotive op.; Lead mechanic; Mucking machine; Panelboard concrete plant (Central mix type); Paver - Hetherington; Pile drive, Skid or crawler; Road paving mixer; Ross carrier; Throttle valve & compressor or clever Brooks type combination; Throttle valve and Fireman combination on horizontal or upright boiler; Tournapull or similar type equipment; Tractor - boom; Trench machine; Tug boat op.; Winch truck with "A" Frame; Scoops, Tournapulls or similar type machines used in tandem

CLASS II: Backhoe - tractor mounted, with less than ½ yd.; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Bulldozer; Concrete mixer, less than 27 cu. ft.; Elevating grader; Excavating loader, portable; Greaser; Highlift shovel under 3 yds.; Jersey spreader or base paver; Mechanic; Pull grader, power control; Roller, asphalt, waterbound macadam, bituminous macadam, brick surface; Sheepfoot roller (self-propelled) with blade; Surface heater & planer; Tamper-multiple vibrating, asphalt waterbound macadam, bituminous macadam, brick surface; Tractor - push; Tractor with scoop; Widener, Apsco or similar type

CLASS III: Assistant plant engineer; Back filler; Bituminous distributor; Broom & belt machine; Bull float; Concrete finishing machine; Concrete spreader, power driven; Digger, post-hole, power driven; Finishing machine & bull float; Form grader; Form tamper, motor driven; Hoist - 1 drum; Multiple tamping machine; Paving breaker; Roller, earth & subbase material; Roller sheepfoot (self-propelled); Sub-grader; Tamper-multiple vibrating-earth & subbase material; Tractaire; Tractaire with drill; Tractor with all attachments, except backhoe & including highlift, endloaders of 1 cu. yd. capacity & less

CLASS IV: Air compressor; Conveyors, all; Fireman on boiler; Generator; Assistant mechanic; Power curing spraying machine; Pull broom, power propelled; Seaman tiller; Spike machine (R.R.); Striping machine, paint, motor driven; Throttle valve; Welding machine; Wellpoint systems

CLASS V: Assistant greaser; Deck hand; Hetherington driver; Mechanical heater (1 to 5); Outboard or inboard motor boat; Oiler; Power saw, concrete, power driven; Truck crane oiler-driver; Water pump; Helper on C.M.I. & similar type equipment grasscutters

DECISION NO IN76-2083

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)

LaPorte County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$7.98	$21.50a	$22.00a		
CLASS 2	8.13	21.50a	22.00a		
CLASS 3	8.18	21.50a	22.00a		
CLASS 4	8.23	21.50a	22.00a		
CLASS 5	8.28	21.50a	22.00a		
CLASS 6	8.33	21.50a	22.00a		
CLASS 7	8.38	21.50a	22.00a		
CLASS 8	8.43	21.50a	22.00a		
CLASS 9	8.48	21.50a	22.00a		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(3½E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(3½E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tourna-trailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

DECISION NO. IN76-2083

TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3½E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3½E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN76-2084 DATE: Date of Publication
Supersedes Decision No. IN75-2133 dated December 19, 1975, in 40 FR 59155
DESCRIPTION OF WORK: Heavy and Highway Construction

*Statewide, except Lake, LaPorte, Porter, and St. Joseph Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Jasper, Newton, and Starke Counties	$10.51	.50	.57		.05
Elkhart County	9.58	.50	.50		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Counties	9.85	.50	.50		.08
Remainder of State of Indiana	9.48	.45	.35		.05
CEMENT MASONS:					
Adams, Allen, Dekalb, Huntington, Noble, Steuben, and Whitley Counties	8.70	.40			
Bartholomew, Brown, and Shelby Counties	8.30				

DECISION NO IN76-2084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Benton, Carroll (Northeast section of Co., south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White Cos.	$ 8.10	.45	.40		
Jasper (northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (northern 2/3 of Co.), & Starke Cos.	8.62	.45	.70		.03
Marshall Co.	8.86	.40	.50		.01
Blackford, Delaware, Grant, Jay, Randolph, Wabash, & Wells Cos.	8.40	.40			
Elkhart, Kosciusko, & LaGrange Cos.	9.23		.30		.02
Hamilton (northern ½ of Co.), Hancock (eastern ½ of Co.), Henry, Madison, & Tipton Cos.	7.78	.40	.35		
Decatur, Fayette, Franklin, Rush, Union, & Wayne Cos.	8.00		.40		
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	8.96	.50			.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	8.55	.45	.40		
Greene Co.	7.85	.30	.20		

DECISION NO IN76-2084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Daviess, Gibson, Knox, Martin & Pike Cos.	$ 8.90	.60	.50		
Monroe, Morgan (southern ½ of Co.), & Owen (excluding extreme western part of Co.) Cos.	8.25				
Clark, Floyd, & Harrison Cos.	9.28	.60	.30		
Dearborn, Ohio, Ripley, & Switzerland Cos.	6.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.00				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	9.55	.60	.25		
Sullivan Co.	9.25	.30	.50		.01
IRONWORKERS:					
Adams, Allen, Blackford, Dekalb, Delaware (northeastern 1/3 of Co.), Grant (excluding s/w portion), Huntington, LaGrange (eastern ½ of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.70	.55	.55		.01
Elkhart, Fulton, Kosciusko, LaGrange (western ½ of Co.), Marshall, Pulaski, & Starke Cos.	9.60	.65	.80		.01
Jasper (Northern ½ of Co.), & Newton Cos.	10.63	.50	.75		.05
Clark, Crawford, Floyd, Harrison Jackson (southern ½ of Co.), Jefferson, Jennings (southern ½ of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern ½ of Co.), Orange, Scott, & Washington Cos.	9.95	.65	.70		.05
Marion Co.	10.00	.65	.90		.05
Dubois, Gisbon, Martin (western ½ of Co.), Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Cos.	8.15	.25	.25		

DECISION NO IN76-2084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd):					
Bartholomew, Boone, (southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western ½ of Co.), Delaware (southern 2/3 of Co.) Grant (S/W Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern ½ of Co.), Jennings (northern ½ of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$10.15	.65	.90		.05
Benton, Boone, (northwestern ½ of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain Jasper (southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	9.49	.65	.90		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	9.51	.55	.65		.02
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western ½ of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	9.75	.65	1.55		
Dearborn, Decatur (eastern ½ of Co.), Franklin, Ohio, Ripley & Switzerland Cos.	9.445	.55	1.05		.02
PAINTERS:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	7.75	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller; & Steel	$ 8.05				
Spray	9.05				
Benton, Clinton, Fountain, Montgomery, Putnam (excluding Greencastle), Tippecanoe, & Warren Cos.:					
Brush; Roller	8.45				
Structural Steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Blackford, Carroll, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the south city limits of Bluffton), & White Cos.:					
Brush	8.00		.50		
Spray	8.75		.50		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (north ½ of Co.) & Shelby Cos.:					
Brush	9.31	.39	.20		
Spray	10.31	.39	.20		
Brown, Greene, Monroe, Morgan (excluding north ½ of Co.) & Owen Cos.:					
Brush	7.90			.30	
Structural Steel	8.65			.30	
Spray	8.90			.30	
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Brush	7.59	.25	.10		.03
Spray	7.95	.25	.10		.03
Clay, & Putnam (Greencastle) Cos.:					
Brush	7.30				.02
Spray	8.30				.02
Structural Steel up to 30'	7.55				.02
Structural Steel 30' to 100'	8.35				.02
Structural Steel over 100'	9.35				.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Daviess, Gibson, & Knox Cos.:					
Brush	$ 6.65				
Spray	7.65				
Dearborn, Ohio, Ripley & Switzerland Cos.:					
Brush; roller; wallwashing; Drywall taping & finish; paperhanging & vinyl; seamless floors & finishing floors; sanding	8.10				
Sandblasting & Steam clean	8.85				
Spray	8.60				
Tanks, elevators, bridges, Steeples over 40 ft.	9.20				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	8.90	.55	.30		
Spray	9.65	.55	.30		
Elkhart, Koscuisko, Marshall, Pulaski & Starke Cos.:					
Brush; Drywall taping & finish Paperhangers; Spray & Vinyl	8.29		.20		
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.:					
Brush	7.60				
Sandblasting; Spray	8.60				
Structural Steel; Scaffold over 30 ft.	7.85				
Epoxy	9.60				
Jasper, & Newton Cos.:					
Brush	8.65	.42	.35		.02
Spray	9.40	.42	.35		.02
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural Steel	6.00				
Parke, & Vermillion Cos.:					
Brush	8.15			.25	
Spray	9.65			.25	
Sullivan, & Vigo Cos.					
Brush	8.50			.25	
Spray	9.50			.25	

DECISION NO IN76-2084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Sullivan, & Vigo Cos.: (Cont'd)					
Structural steel up to 30'	$ 8.75			.25	
Structural steel 30' to 100'	9.50			.25	
Structural steel over 100'	10.50			.25	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONOTE:
a. 6 paid holidays: A through F.

LABORERS:. HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$6.60	.50	.40		.08
GROUP 2	6.75	.50	.40		.08
GROUP 3	6.80	.50	.40		.08
GROUP 4	6.90	.50	.40		.08
GROUP 5	7.45	.50	.40		.08

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

1 of 3

DECISION NO.
POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$9.70	.40	.40		.07
GROUP II	8.70	.40	.40		.07
GROUP III	8.27	.40	.40		.07
GROUP IV	7.46	.40	.40		.07
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke Counties:					
GROUP I	9.20	.60	.70		.07
GROUP II	8.20	.60	.70		.07
GROUP III	7.77	.60	.70		.07
GROUP IV	6.96	.60	.70		.07
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	9.80	.35	.35		.07
GROUP II	8.80	.35	.35		.07
GROUP III	8.37	.35	.35		.07
GROUP IV	7.56	.35	.35		.07
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	9.60	.40	.50		.07
GROUP II	8.60	.40	.50		.07
GROUP III	8.17	.40	.50		.07
GROUP IV	7.36	.40	.50		.07

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

DECISION NO. IN76-2084 49-HH-IND-TD-2-3

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-4Inch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION 1 of 2

	ZONE 2	ZONE 2A	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP 1	$7.24	$6.95	$6.65	$6.35	$6.80
GROUP 2	7.39	7.10	6.80	6.50	6.95
GROUP 3	7.59	7.30	7.00	6.70	7.15
GROUP 4	7.89	7.60	7.30	7.00	7.45
GROUP 5	8.29	8.00	7.70	7.40	7.85
GROUP 6:					
A.	7.44	7.15	6.85	6.55	7.00
B.	7.59	7.30	7.00	6.70	7.15
C.	8.04	7.75	7.45	7.15	7.60
D.	7.54	7.25	6.95	6.65	7.10

Fringe Benefits Payments			
H & W	Pensions	Vacation	Education and/or Appr. Tr.
$.50	.40		.08

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)

ZONE 2: Elkhart & St. Joseph Counties

ZONE 2A: Kosciusko, LaGrange, & Marshall Counties

ZONE 3: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Madison, Miami, Montgomery, Noble, Pulaski, Randolph, Rush, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties

ZONE 4: Marion & Shelby Counties

ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

LABORERS 2 of 2

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman

GROUP 6: (CAISSON & TUNNEL WORK IN FREE AIR)
A. Bottom man; Concrete man
B. Concrete headman
C. Miner or header man
D. Mucker & Tunnel laborer

Starke County

LABORERS SEWER & TUNNEL CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.05	.40	.40		.05
GROUP II	8.35	.40	.40		.05
GROUP III	7.85	.40	.40		.05
GROUP IV	7.25	.40	.40		.05

CLASSIFICATIONS

GROUP I
Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II
A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III
Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV
Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties

1 of 2

POWER EQUIPMENT OPERATORS

Sewer & Tunnel Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.05	.40	.50		.07
GROUP II	9.95	.40	.50		.07
GROUP III	9.75	.40	.50		.07
GROUP IV	7.50	.40	.50		.07

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

Jasper, Newton, Pulaski, & Starke Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 10.35	.40	.40		.05
GROUP II	9.45	.40	.40		.05
GROUP III	8.30	.40	.40		.05
GROUP IV	7.50	.40	.40		.05

CLASSIFICATIONS

GROUP I

Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II

A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III

Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV

Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Statewide, except Crawford, DuBois, Fountain, Gibson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Spencer, Vanderburgh, Vermillion, Warren, Clinton (Frankfort), & Warrick Counties

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

LINE CONSTRUCTION Clinton (Frankfort only) & Miami (Peru & Grissom AFB)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS"B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.15	.40	1%		
GROUNDMAN	9.79	.40	1%		
TRUCK DRIVER	10.10	.40	1%		

LINE CONSTRUCTION Fountain, Vermillion, & Warren Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Groundman equipment operator	$9.77	.40	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER W/WINCH	8.03	.40	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER WO/WINCH	7.51	.40	1%+.30		½ of 1%
GROUNDMAN	7.14	.40	1%+.30		½ of 1%

Elkhart, Kosciusko, LaGrange, Marshall, & Noble Counties

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

SUPERSEDEAS DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: MO76-4102

DATE: Date of Publication

Supersedes Decision No. MO75-4144, dated August 1, 1975 in 40 FR 32611

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS AND STONEMASONS	9.725	.55	.35	1.00	
CARPENTERS, MILLWRIGHTS and PILEDRIVERMEN	10.20	.50	.30		.05
CEMENT MASONS (Building Construction):					
Cement masons	9.475	.40	.50	.50	
Composition	9.725	.40	.50	.50	
CEMENT MASONS (Heavy and Highway Construction):					
Johnson & Wyandotte Counties, Kansas	9.655	.40	.50	1.25	
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	10.62	.29	1%+.31	.80	.06
Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties; Missouri:					
Electricians (contracts over $5,000)	10.62	.29	1%+.31	.80	.06
Electricians (contracts $5,000 and under)	10.07	.29	1%+.31	.80	.06
Zone 3 - Ray County, Missouri:					
Electricians (contracts over $5,000)	10.62	.29	1%+.31	.80	.06
Electricians (contracts $5,000 and under)	9.46	.29	1%+.31	.80	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas	10.62	.29	1%+.31	.80	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	9.50	.55	.51	15.416%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	8.10	.45	.40	.50	.10
GROUP II	8.195	.45	.40	.50	.10
GROUP III	8.295	.45	.40	.50	.10
GROUP IV	8.39	.45	.40	.50	.10
GROUP V	8.49	.45	.40	.50	.10

CLASSIFICATION DEFITIONS

LABORERS:

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), Power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on Pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch Witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and Churn drill operators

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd):					
Building Construction					
Zone 2 - Ray County, Missouri					
GROUP I	7.80	.45	.40	.50	.10
GROUP II	7.90	.45	.40	.50	.10
GROUP III	7.975	.45	.40	.50	.10
GROUP IV	8.05	.45	.40	.50	.10
GROUP V	8.15	.45	.40	.50	.10

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Contd)					
Site preparation and Grading, Heavy and Highway Construction					
Zone 3 - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.30	.50	.50	.75	.10
GROUP II	8.45	.50	.50	.75	.10
GROUP III	8.60	.50	.50	.75	.10
GROUP IV	8.80	.50	.50	.75	.10
GROUP V	9.10	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

GROUP II - Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgie buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalman; Scaffolds over 10 ft. not self-supported from ground up; Skip-man on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

GROUP III - Crusher feeder; Men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood puliverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed man on asphalt machine; Asphalt raker; Laser beam man; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track drills and all other similar drills; Form setters; Cutting torch man; Liners and stringline men on concrete paving, curbs, gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

GROUP V - Manhole builder (brick or block); Dynamite and powder men

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LATHERS	9.70	.50			
LINE CONSTRUCTION:					
ZONE 1 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	9.60	.38	1%+.15		½%
Heavy equipment operator	8.93	.38	1%+.15		½%
Groundman	6.32	.38	1%+.15		½%
Groundman (1st year)	5.42	.38	1%+.15		½%
Groundman Powderman	6.66	.38	1%+.15		½%
ZONE 2 - Western 3/4 of Johnson County, Kansas					
Lineman	8.62	.35	1%		½%
Cable splicers	9.05	.35	1%		½%
Groundman, over 1 year	5.39	.35	1%		½%
Groundman, 1st year	4.11	.35	1%		½%
Powderman	7.16	.35	1%		½%
Line truck and equipment operators:					
1st year	5.52	.35	1%		½%
2nd year	6.59	.35	1%		½%
Over 2 years' experience	7.16	.35	1%		½%
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Brush and tapers	9.49	.55	.70		.07
Spray	10.49	.55	.70		.07
PLASTERERS	10.25	.30			
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
POWER EQUIPMENT OPERATORS:					
Building Construction					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	8.60	.50	1.00	.75	.10
GROUP IV	9.10	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	9.35	.50	1.00	.75	.10
GROUP VII	10.35	.50	1.00	.75	.10
GROUP VIII	10.60	.50	1.00	.75	.10
GROUP IX	10.10	.50	1.00	.75	.10
GROUP X	11.10	.50	1.00	.75	.10
GROUP XI	10.60	.50	1.00	.75	.10

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Building Construction					
GROUP XII:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-Greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry Pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 150 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges - any type power; Grade-all - similar type; Hoist, endless chain-power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

GROUP II - A-Frame trucks; Boilers (1); Brooms - power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 150' or over; Concrete saws, self-propelled); Conveyor operator; Crab - power operated; Curb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift - all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets, and jennies; Sub-grader; Tractors over 50 h.p.

GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Tractors (except when hauling material) less than 50 h.p.

GROUP VII - Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP VIII - Crane or rigs, over 200 ft. of boom

GROUP IX - Hoists each additional drum over 1 drum

GROUP X - Master Mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready Mixed Concrete Plants:
(a) Crane Operator
(b) Loader Operator
(c) Plant Man
(d) Conveyor Operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Contd) Site preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	10.35	.50	1.00	.75	.10
GROUP VII	10.60	.50	1.00	.75	.10
GROUP VIII	10.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
GROUP I - Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers - 2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator - 2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drillcat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader - fork lift; Hoisting engine - 2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine; Pile driver operator; Pitman crane operator; Pump - 2; Quad-trac; Scoop operator - all types; Scoops in tandem; Self-propelled rotary drill (leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sideboom cats; Skimmer scoop operator; Slip - form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator -2

POWER EQUIPMENT OPERATORS (Cont'd)
Site Preparation and Grading, Heavy and Highway Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP II - A-Frame truck; Asphalt hor mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine - 1 drum; Latourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

GROUP III - Boilers - 1; Chip spreader (front man); Churn drill operator; Compressor maintenance operator - 1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self-propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator - combination boiler and booster; Tractor, 50 h.p. or less, without attachments; Vibrating machine operator, not hand; Welding machine maintenance operator -1

GROUP IV - Mechanic's helpers; Oiler

GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledrivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.30	.30	.60		.04
Helpers:					
1st 6 months	5.58	.30	.60		.04
2nd 6 months	6.05	.30	.60		.04
3rd 6 months	6.51	.30	.60		.04
4th 6 months	6.98	.30	.60		.04
5th 6 months	7.44	.30	.60		.04
6th 6 months	7.91	.30	.60		.04
7th 6 months	8.37	.30	.60		.04
SHEET METAL WORKERS	10.705	.35	.50		.05
SOFT FLOOR LAYERS	7.96	.40	.45	10%	.06
SPRINKLER FITTERS	10.73	.50	.80		.06
TERRAZZO WORKERS	10.48	3.65%	3.25%		
TRUCK DRIVERS:					
Building Construction:					
GROUP I	8.525	.50	1.00		
GROUP II	8.575	.50	1.00		
GROUP III	8.65	.50	1.00		
GROUP IV	8.775	.50	1.00		
GROUP V	8.675	.50	1.00		
GROUP VI	8.875	.50	1.00		
GROUP VII	8.725	.50	1.00		
GROUP VIII	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock man

GROUP II - Flat beds; Pick-ups; Dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; Steel trucks; Semi truck drivers

GROUP IV - Straddle trucks; Sheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated serial lifts; Heavy hauling, A-frame winch and fork lifts; Heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; Oilers, greasers and Mechanics' helpers

GROUP VI - Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yds.

DECISION NO. MO76-4102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and Grading, Heavy and Highway Construction					
ZONE 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.59	.50	1.00	.75	
GROUP II	8.79	.50	1.00	.75	
GROUP III	9.10	.50	1.00	.75	
GROUP IV	9.25	.50	1.00	.75	
GROUP V	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

GROUP II - Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailers; Insley wagons; Dump trucks, excavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

GROUP III - A-Frame, lowboy, and boom truck driver

GROUP IV - Mechanics and welders

GROUP V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Missouir; Johnson & Wyandotte, Kansas

DECISION NO.: MO76-4103

DATE: Date of Publication

Supersedes Decision No. MO75-4008 dated January 23, 1976, in 41 FR 3620.

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	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS and stonemasons	9.725	.55	.35	1.00	
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN	9.70	.50	.30		.05
CEMENT MASONS:					
Cement masons	9.475	.40	.50	.50	
Composition	9.725	.40	.50	.50	
ELECTRICIANS: (Up to and including 3 stories)					
ZONE 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	8.01	.29	1%+.31	.80	.06
ZONE 2 - Remainder of Cass, Clay, Jackson, and Platte Counties, Missouri	9.47	.29	1%+.31	.80	.06
ZONE 3 - Ray Counties, Missouri	7.34	.29	1%+.31	.80	.06
ELECTRICIANS (4 stories):					
ZONE 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	10.62	.29	1%+.31	.80	.06
ZONE 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	10.62	.29	1%+.31	.80	.06
Electricians (contracts under $5,000	10.07				

DECISION NO. MO76-4103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (4 Stories) (Cont'd)					
ZONE 3 - Ray County, Missouri:					
Electricians (Contracts $5,000 and over)	10.62	.29	1%+.31	.80	.06
Electricians (contracts under $5,000)	9.46	.29	1%+.31	.80	.06
ELECTRICIANS:					
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	5.95	.40	1%+.20		.05
ZONE 2 - Remainder of Johnson County, Kansas	8.01	.29	1%+.31	.80	.06
ZONE 3 - Wyandotte County, Kansas	8.01	.29	1%+.31	.80	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.50	.55	.51	15.416%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05

FOOTNOTE: a. Employer contributes 4% basic hourly rate for over 5 yrs.' service, and 2% of basic hourly rate for 6 mos. to 5 yrs. as Vacation Pay Credi
b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO. M076-4103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Building Construction					
ZONE 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Group 1	8.10	.45	.40	.50	.10
Group 2	8.195	.45	.40	.50	.10
Group 3	8.295	.45	.40	.50	.10
Group 4	8.39	.45	.40	.50	.10
Group 5	8.49	.45	.40	.50	.10

LABORERS
Building Construction

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wercker (for alterations or entire projects)

Group 2: Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), power tool operators; Pier hole diggers (over 10 ft.); Virbator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3: Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

Group 4: Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers calssifications previously shown as mortar men and scaffolding)

Group 5: Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

DECISION NO. M076-4103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Building Construction					
ZONE 2 - Ray County, Missouri					
Group 1	7.80	.45	.40	.50	.10
Group 2	7.90	.45	.40	.50	.10
Group 3	7.975	.45	.40	.50	.10
Group 4	8.05	.45	.40	.50	.10
Group 5	8.15	.45	.40	.50	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1: General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

Group 2: Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and bck filling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3: Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

Group 4: Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

Group 5: Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

DECISION NO. MO76-4103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Site preparation and grading					
ZONE 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental Paving and Utilities Clay, Jackson, Platte and Ray Cos., Missouri					
Group 1	8.30	.50	.50	.75	.10
Group 2	8.45	.50	.50	.75	.10
Group 3	8.60	.50	.50	.75	.10
Group 4	8.80	.50	.50	.75	.10
Group 5	9.10	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1: Carpenter tenders; Slamanader tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

Group 2: Air tool operators; Cemer handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgia buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalman; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

Group 3: Crusher feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used

Group 4: Spreader or screed man on asphalt machine; Asphalt raker; Laser beam man; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track drills and all other similar drills; Form setters; Cutting torch man; Liners and stringline men on concrete paving, curbs, gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

Group 5: Manhole builder (brick or block); Dynamite and powder men

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.70	.50			
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Brush, Tapers and Roller	9.49	.55	.70		.07
Spray	10.49	.55	.70		.07
PLASTERERS	10.25	.30			
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 105 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges-any type power; Grade-all similar type; Hoist, endless chain - power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

Group 2: A-frame trucks; Boilers (1); Brooms-power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 105' or over; Concrete saws, self-propelled); Conveyor operator; Crab-power operated; Curb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift-all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets and jennies; Sub-grader; Tractors over 50 h.p.

Group 3: Oiler

Group 4: Forl lift-masonry

Group 5: Oiler driver all types

Group 6: Tractors (except when hauling material less than 50 h.p.

Group 7: Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. or boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

Group 8: Crane or rigs, over 200 ft. of boom

Group 9: Hoists each additional drum over 1 drum

Group 10: Master Mechanic

Group 11: Crane - tower or climbing

Group 12: Ready Mixer Concrete Plants: (a) Crane operator; (b) Loader operator; (c) Plant man; (d) Conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd) Site Preparation and Grading Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities-Clay, Jackson, Platte, and Ray Counties, Missouri					
ZONE 2					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 2

Group 1: Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers-2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator-2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drill cat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader-fork lift; Hoisting engine-2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine pile driver operator; Pitman crane operator; Pump-2; Quad-trac; Scoop operator-all types; Scoops in tandem; Self-propelled rotary drill (Leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sideboom cats; Skimmer scoop operator; Slip-form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator-2

Group 2: A-frame truck; Asphalt hot mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine-1 drum; Latourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

Group 3: Boilers - 1 ; Chip spreader (front man); Churn drill operator; Compressor maintenance operator-1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator-combination boiler and booster; Tractor, 50 h.p. or less with/o attachments; Vibrating machine operator, not hand; Welding machine Maintenance operator - 1

Group 4: Mechanic's Helpers; Oilers

Group 5: Oiler driver, all types.

Group 6: Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Pile-drivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.30	.30	.60		.04
Helpers:					
1st 6 months	5.58	.30	.60		.04
2nd 6 months	6.05	.30	.60		.04
3rd 6 months	6.51	.30	.60		.04
4th 6 months	6.98	.30	.60		.04
5th 6 months	7.44	.30	.60		.04
6th 6 months	7.91	.30	.60		.04
7th 6 months	8.37	.30	.60		.04
SHEET METAL WORKERS	10.705	.35	.50		.05
SOFT FLOOR LAYERS	7.96	.40	.45	10%	.06
SPRINKLER FITTERS	10.73	.50	.80		.06
TERRAZZO WORKERS	10.48	3.65%	3.25%		.06
TRUCK DRIVERS:					
Building Construction					
Zone 1					
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 1

Group 1: Warehousemen and stockman

Group 2: Flat beds; Pick-ups; Dump trucks, under 10 yds.

Group 3: Dump trucks, 10 yds. and over; steel trucks; semi-truck drivers

Group 4: Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated serial lifts; Heavy hauling, A-frame winch and fork lifts; Heavy excavating (dumpster, Euclid, etc.); Double bottom units (20 tons capacity and over)

Group 5: Distributor truck drivers and operators; Oilers, greasers and mechanics' helpers

Group 6: Mechanics

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd) Site preparation and grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Zone 2					
Group 1	8.59	.50	1.00	.75	
Group 2	8.79	.50	1.00	.75	
Group 3	9.10	.50	1.00	.75	
Group 4	9.25	.50	1.00	.75	
Group 5	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 2

Group 1: One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

Group 2: Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailer; Insley wagons; Dump trucks, excavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame, lowboy, and boom truck driver

Group 4: Mechanics and welders

Group 5: Mechanics' helpers, oilers and greasers

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidential.

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NO. M076-4105 DATE: Date of Publication
Supersedes Decision No. M076-4010 dated January 30, 1976, in 41 FR 4783
DESCRIPTION OF WORK AND LOCATION
Highway Construction
Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Chariton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Geneieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

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CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.96	.50	.70	.50	.03
ZONE 2	10.20	.50	.30		.05
ZONE 3	10.46	.50	.70		
ZONE 4	9.81	.50	.70	.50	.03
ZONE 5	10.45	.50	.30		.03
ZONE 6	9.85	.50	.30		.03
ZONE 7	8.95	.50	.70	.50	.03
ZONE 8	10.45	.20			.03
ZONE 9	10.32	.33			.03
ZONE 10	10.22	.23			.03
ZONE 11	10.17	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County & City
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

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CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	9.475	.40	.50	.50	
ZONE 2	10.35				
ZONE 3	8.90	.90	.85		
ZONE 4	9.665	.40	.50	1.25	
ZONE 5	6.40	.65		.45	
ZONE 6	8.75				
ZONE 7	9.075				
ZONE 8	9.75				
ZONE 9	7.40				
ZONE 10	9.20	.40			
ZONE 11	9.75				
ZONE 12	8.30		.50		
ZONE 13	9.60	.90	.85		

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - Dent, Phelps, Pulaski and Texas Counties
ZONE 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00.
ZONE 4 - Clay, Jackson, Platte and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
ZONE 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan and Putnam Cos.
ZONE 9 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties.
ZONE 10 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties.
ZONE 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties
ZONE 12 - Clark, Knox, Lewis and Scotland Counties.
ZONE 13 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00 and over.

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Electrical contracts over $7,500.00	$9.70	4%	1%	11.5%	½%
Electrical contracts $7,500.00 and under	8.35	4%	1%	11.5%	½%
ZONE 2	10.62	.29	1%+.31	.80	.06
ZONE 3					
Electrical contracts over $5,000.	10.62	.29	1%+.31	.80	.06
Electrical contracts $5,000. and under	10.07	.29	1%+.31	.80	.06
ZONE 4					
Electrical contracts over $5,000.	10.62	.29	1%+.31	.80	.06
Electrical contracts $5,000. and under	10.07	.29	1%+.31	.80	.06
ZONE 5					
Electrical contracts over $5,000.	10.62	.29	1%+.31	.80	.06
Electrical contracts $5,000. and under	9.46	.29	1%+.31	.80	.06
ZONE 6	9.64	5%	1%+5½%	15½%	1%
ZONE 7					
Electrical contracts over $7,500.	9.64	5%	1%+5½%	15½%	1%
ZONE 8					
Electrical contracts $7,500. and under	7.03	5%	1%+5½%	15½%	1%
ZONE 9					
Electrical contracts $7,500. and under	6.89	5%	1%+5½%	15½%	1%
ZONE 10					
Electrical contracts $7,500. and under	6.75	5%	1%+5½%	15½%	1%

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ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Electrical contracts $7,500.00 and under	$6.59	5%	1%+5½%	15½%	1%
ZONE 12	9.81	.37	1%	6%	.02
ZONE 13	10.30	.37	1%	6%	.02
ZONE 14	9.69	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.	9.92	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.69	.35	1%	7%	.01
ZONE 16					
Electrical contracts over $10,000.00	10.28	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.69	.35	1%	7%	.01
ZONE 17					
Elecrticians	8.45	.35	1%		.01
Cable splicers	8.80	.35	1%		.01
ZONE 18					
Electricians	10.25	.27	1%	7%+.30	½ of 1%
Cable Splicers	10.50	.27	1%	7%+.30	½ of 1%

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AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under

ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill

ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 6 - Franklin, Jefferson, Lincoln, St. Charles, St. Louis & City, & Warren Cos.

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington, and Wayne Counties:
Electrical contracts over $7,500.00

ZONE 8 - Bollinger, Cape Girardeau, Perry, St. Francois, and Ste. Genevieve, Counties:
Electrical contracts $7,500.00 and under

ZONE 9 - Iron, Madison, Reynolds, Washington, and Wayne Counties:
Electrical contracts $7.500,00 and under

ZONE 10 - Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:
Electrical contracts $7,500,00 and under

ZONE 11 - Dunklin and Pemiscot Counties:
Electrical contracts $7,500.00 and under

ZONE 12 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties

ZONE 13 - Pulaski County

ZONE 14 - Andrew, Buchanan, Clinton and DeKalb Counties

ZONE 15 - Caldwell, Daviess, Gentry, Holt and and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under

ZONE 16 - Atchinson, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00

ZONE 17 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties:

ZONE 18 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage Phelphs and Randolph Counties:

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.825	.55	.70		.05
ZONE 2	9.60	.70	1.00	1.00	.05
ZONE 3	9.475	.70	1.00	1.00	.05
ZONE 4	9.35	.45	.50		.10
ZONE 5	10.25	.50	.30		
ZONE 6	8.31	.45	.35		.04
ZONE 7	9.10	.45	.65		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties.

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties.

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties.

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
ZONE 1	7.98	.50	.50	.50	.10
ZONE 2	6.58	.50	.50	.50	.10
ZONE 3	6.58	.50	.50	.50	.10
ZONE 4	8.75	.40	.50		.10
ZONE 5	7.85	.40	.50		.10
ZONE 6	7.85	.40	.50		.10
GROUP 2					
ZONE 1	8.13	.50	.50	.50	.10
ZONE 2	6.73	.50	.50	.50	.10
ZONE 3	6.73	.50	.50	.50	.10
ZONE 4	8.90	.40	.50		.10
ZONE 5	8.00	.40	.50		.10
ZONE 6	8.00	.40	.50		.10
GROUP 3					
ZONE 1	8.28	.50	.50	.50	.10
ZONE 2	6.88	.50	.50	.50	.10
ZONE 3	6.88	.50	.50	.50	.10
ZONE 4	9.05	.40	.50		.10
ZONE 5	8.15	.40	.50		.10
ZONE 6	8.15	.40	.50		.10
GROUP 4					
ZONE 1	8.48	.50	.50	.50	.10
ZONE 2	7.08	.50	.50	.50	.10
ZONE 3	7.08	.50	.50	.50	.10
ZONE 4	9.25	.40	.50		.10
ZONE 5	8.35	.40	.50		.10
ZONE 6	8.35	.40	.50		.10
GROUP 5					
ZONE 1	8.73	.50	.50	.50	.10
ZONE 2	7.33	.50	.50	.50	.10
ZONE 3	7.33	.50	.50	.50	.10
ZONE 4	9.50	.40	.50		.10
ZONE 5	8.60	.40	.50		.10
ZONE 6	8.60	.40	.50		.10

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CLASSIFICATION DEFINITIONS

GROUP 1 - General laborc - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers.

GROUP 2 - First Semi-Skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-Skill - Manhole builders, - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gascoande, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 8					
GROUP 1	8.30	.50	.50	.75	.10
GROUP 2	8.45	.50	.50	.75	.10
GROUP 3	8.60	.50	.50	.75	.10
GROUP 4	8.80	.50	.50	.75	.10
GROUP 5	9.10	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; pudlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
ZONE 7 - St. Louis City and County:					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumbers laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

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LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Lineman	$10.56	.38	1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
ZONE 2					
Lineman	10.09	.38	1%+.15		½%
Heavy equipment operator	9.62	.38	1%+.15		½%
Groundman powderman	7.01	.38	1%+.15		½%
Groundman	6.48	.38	1%+.15		½%
Groundman (1st year)	4.93	.38	1%+.15		½%
ZONE 3					
Lineman & cable splicers	10.00	.40	1%	12½%	½%
Groundman - winch driver	7.35	.40	1%	12½%	½%
Groundman - driver	7.09	.40	1%	12½%	½%
Equipment operator	8.94	.40	1%	12½%	½%
Groundman - 1st 6 mos.	5.68	.40	1%	12½%	½%
Groundman - next 12 mos.	5.92	.40	1%	12½%	½%
Groundman - next 12 mos.	6.49	.40	1%	12½%	½%
Groundman - thereafter	7.09	.40	1%	12½%	½%
ZONE 4					
Lineman	9.77	.35	1%		.25%
Groundman - Class I	8.35	.35	1%		.25%
Groundman - Class II	6.83	.35	1%		.25%
Groundman - Class A	6.23	.35	1%		.25%
Groundman - 1st. 6 mos.	5.95	.35	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties.
ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties.

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PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Brush & roller	9.49	.55	.70		.07
Spray	10.49	.55	.70		.07
Bridge	10.24	.55	.70		.07
ZONE 2					
Brush	6.40		.25		
Spray	7.15		.25		
ZONE 3					
Brush	6.80				
Spray	7.20				
ZONE 4					
Brush or roller	7.25	.45	.35		
Spray, structural steel and sandblasting	10.00	.45	.35		
ZONE 5					
Brush	8.00				
Spray, taping machine	8.50				
Bridges 75 ft. in height	9.00				
All structural steel over 50 ft. in height	8.75				
Sandblasting	8.50				
ZONE 6					
Brush	9.20	.45	.35		
Spray	10.20	.45	.35		
Structural steel 30 ft. or more	9.60	.45	.35		
ZONE 7					
Brush	7.25				
Soray	7.75				
ZONE 8					
Brush, roller	7.38		.25		
Spray	7.755		.25		

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PAINTERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9					
Brush	8.90		.20		
Spray	9.40		.20		
ZONE 10					
Brush	9.46	.30	.30		
Spray	10.96	.30	.30		
ZONE 11					
Brush, bridge & construction steel	7.85				
Spray	8.35				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski, and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby, and Sullivan Counties.
ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 10 - Jefferson, St. Charles, and St. Louis & City Counties
ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.10	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	10.25	.35	.65	.40	.02
GROUP II	10.05	.35	.65	.40	.02
GROUP III	9.85	.35	.65	.40	.02
GROUP IV	9.25	.35	.65	.40	.02
GROUP V	10.50	.35	.65	.40	.02
GROUP VI	10.75	.35	.65	.40	.02
GROUP VII	11.00	.35	.65	.40	.02
ZONE 4					
GROUP I	9.80	.35	.65	.40	.02
GROUP II	9.45	.35	.65	.40	.02
GROUP III	9.25	.35	.65	.40	.02
GROUP IV	8.40	.35	.65	.40	.02
GROUP V	10.05	.35	.65	.40	.02
GROUP VI	10.30	.35	.65	.40	.02
GROUP VII	10.55	.35	.65	.40	.02

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.90	.50	1.00	.75	.10
GROUP III	9.70	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.85	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 6					
GROUP I	9.35	.50	1.00	.75	.10
GROUP II	9.00	.50	1.00	.75	.10
GROUP III	8.80	.50	1.00	.75	.10
GROUP IV	7.60	.50	1.00	.75	.10
GROUP V	9.35	.50	1.00	.75	.10
GROUP VI	9.60	.50	1.00	.75	.10
GROUP VII	9.85	.50	1.00	.75	.10
GROUP VIII	8.10	.50	1.00	.75	.10
ZONE 7					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02
ZONE 8					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Aspahlt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoisting engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; aspahlt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator; other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintanance operator - 1

GROUP IV - Mechanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib)

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in lenght or depth will be paid fifty cents (50c) per hour above the regular classification.

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POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers), switch boat; whirley

GROUP II - Air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boiring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or sheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

POWER EQUIPMENT OPERATORS ZONE 2 CONTD:

GROUP III CONTD: - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI - Air pressure, oiler engineer operating over ten pounds

GROUP VII - Air pressure engineer operating under ten pounds

GROUP VIII - Air pressure engineer operating over ten pounds

GROUP IX - Crane-piledriving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X - Heaters

Crane with boom (including jib), over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI - Mud jack (where mud jack is used in conjunction with an air compressor, operator)

Work in tunnel or tunnel shaft, .25c above base rate.

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator, concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; aspahlt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

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POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD:

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenence operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)
GROUP IV - Oiler
GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums
GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)
GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)
GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City & County
ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties
ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gascoande, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon Webster and Wright Counties

DECISION NO. MO76-4105

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - St. Louis City and County					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week
b - Employer contribution of $12.50 per week
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veternas Day, Christmas.
d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks
GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity
GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
GROUP 1	8.59	.50	1.00	.75	
GROUP 2	8.79	.50	1.00	.75	
GROUP 3	9.10	.50	1.00	.75	
GROUP 4	9.25	.50	1.00	.75	
GROUP 5	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
GROUP 2 - Two teams; material tandem; semi-trailers, winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump, excavating, 5 cu. yds, & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
GROUP 3 - A-frame, low boy, boom
GROUP 4 - Mechanics & welders
GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	10.90				
GROUP 2	11.05				
GROUP 3	11.12				
GROUP 4	11.02				
GROUP 5	10.80				
ZONE 4					
GROUP 1	10.20				
GROUP 2	10.35				
GROUP 3	10.42				
GROUP 4	10.31				
GROUP 5	10.10				
ZONE 5					
GROUP 1	9.69	.50	1.00		
GROUP 2	9.84	.50	1.00		
GROUP 3	9.91	.50	1.00		
GROUP 4	9.80	.50	1.00		
GROUP 5	9.59	.50	1.00		
ZONE 6					
GROUP 1	8.83	.50	.75		
GROUP 2	8.98	.50	.75		
GROUP 3	9.10	.50	.75		
GROUP 4	8.99	.50	.75		
GROUP 5	8.73	.50	.75		
ZONE 7					
GROUP 1	8.10	.50	1.00		
GROUP 2	8.25	.50	1.00		
GROUP 3	8.37	.50	1.00		
GROUP 4	8.26	.50	1.00		
GROUP 5	8.00	.50	1.00		

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County

DECISION NO.: M076-4107

DATE: Date of Publication

Supersedes Decision No. M076-4067 dated March 5, 1976, in 41 FR 9797

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	App. Tr.
ASBESTOS WORKERS	$11.33	.50	.62		
BRICKLAYERS & STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS:					
Zone 1 - St. Louis City & County	10.46	.50	.70		
Zone 2 - St. Charles County	9.10	.50	.70		
Zone 3 - Lincoln and Warren Counties	8.55	.50	.70		
Zone 4 - Jefferson County	8.53	.50	.70		
Zone 5 - Franklin County	8.20	.50	.70		
CEMENT MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects less than $100,000.00	8.90	.90	.85		
Projects $100,000.00 or over	9.60	.90	.85		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ELECTRICIANS:					
Zone 1 - Franklin, Jefferson, Lincoln and Warren Counties	7.97	5%	1%+5½%	15½%	1%
Zone 2 - St. Charles County & St. Louis City & County	9.64	5%	1%+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.20	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit; b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	10.04	.45	1.03	8%+c	.01

FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborers	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONTD):					
Zone 2 - 2 stories and under (St. Louis City and County)	$6.775	.40	.60		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County:					
Laborers	7.85	.50	.30		
Powderman, Mason tenders, plaster tenders	8.35	.50	.30		
Zone 5 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	6.75	.50	.40		
Mason tenders, plumber laborers, plaster tenders	6.95	.50	.40		
Contracts over $250,000.00:					
General laborer	8.25	.50	.40		
Mason tenders, plumber laborers, plaster tenders	8.45	.50	.40		
LATHERS	10.225				.01
MARBLE SETTERS	9.59	.325	.50		
MARBLE SETTERS' HELPERS	9.28				
PAINTERS:					
Zone 1 - St. Charles County:					
Brush, paperhaners, drywall tapers	8.40	.30			
Spray, steel, sandblaster, pot tenders	9.66	.30			
Zone 2 - Franklin, Jefferson and Warren Counties and St. Louis City and County:					
Brush	9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
Zone 3 - Lincoln County:					
Brush	4.85				
Spray	6.00				
PIPEFITTERS:					
Zone 1 - Light commercial work and on jobs within the boundaries of the City of St. Louis & St. Louis County	10.45	2.775	.90		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPEFITTERS(CONTD.):					
Zone 2 - Other construction and jobs within twenty miles beyond the boundary line of St. Louis County	$10.83	2.775	.90		
Zone 3 - Other construction and jobs more than twenty miles beyond the boundary line of St. Louis County	11.01	2.775	.90		
PLASTERERS	9.70	.325	.80		.03
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	11.01	2.775	.90		
POWER EQUIPMENT OPERATORS:					
Zone 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powerspile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled;

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(ZONE 1) CONTD:

Group 1 - powered, used for earth or rock drilling or boring (wagon drills and any hand rills obtaining power from other sources including concrete breakers, jackhammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine;

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline 7 cu. yds. & over, shovel, power 7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tamdem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom(including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

DECISION NO. M076-4107

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Zone 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slip form paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauch-hammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; compressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 4 - (a)Oiler. (b)clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50c per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition, slate and tile	8.65	.47	.45	1.00	.03
Kettlemen	6.45	.47	.45	1.00	.03
SHEET METAL WORKERS	9.64	.48+3%	.66	.77	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	11.41	.50	.80		.09
TERRAZZO WORKERS	11.05				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO.: MO76-4108

DATE: Date of Publication

Supersedes Decision No. MO76-4066 dated March 5, 1976 in 41 FR 9793

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:					
Asbestos workers	$ 11.33	.50	.62		
Swing stage of bosun's chair	11.58	.50	.62		
Asbestos workers requiring spray in application	11.58	.50	.62		
BOILERMAKERS	9.60	.70	1.00		.02
BRICKLAYERS; STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS; MILLWRIGHTS; PILE-DRIVERMEN:					
ZONE 1 - St. Louis City &County	10.46	.50	.70		
CARPENTERS:					
ZONE 2 - Franklin County:					
Contracts $200,000.00 & under	8.20	.50	.70		
Contracts over $200,000.00	10.46	.50	.70		
ZONE 3 - Jefferson County:					
Contracts $25,000.00 & under	9.96	.50	.70		
Contracts over $25,000.00	10.46	.50	.70		
ZONE 4 - St. Charles County:					
Contracts under $200,000.00	9.10	.50	.70		
Contracts $200,000.00 or more	10.46	.50	.70		
ZONE 5 - Lincoln & Warren COUNTIES:					
Contracts $200,000.00 & under	8.55	.50	.70		
Contracts over $200,000.00	10.46	.50	.70		
CEMENT MASONS:					
ZONE 1 - Jefferson & St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ZONE 2 - Franklin, Lincoln & Warren Counties:					
Project less than $100,000.00	8.90	.90	.85		
Project $100,000.00 & over	9.60	.90	.85		
ELECTRICIANS	9.64	5%	1%+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS(PROB)	50%JR				

FOOTNOTES:

a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit.

b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$10.04	.45	1.03	8%+c	.01
FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
ZONE 1- City & County of St. Louis					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03
Mason tenders (hod carriers)	8.25	.40	.60		
ZONE 2 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	6.75	.50	.40		
Mason tenders, plumber laborer, plaster tender	6.95	.50	.40		
Contracts over $250,000.00:					
General laborer	8.25	.50	.40		
Mason tenders, plumber laborer, plaster tender	8.45	.50	.40		
ZONE 3 - Jefferson County:					
Laborers	7.85	.50	.30		
Powderman, mason tenders, plaster tender	8.35	.50	.30		
ZONE 4 - St. Charles County:					
General laborer	8.825	.50	.50		
Dynamiter or powdermen	9.325	.50	.50		
Plumbers laborer	9.30	.50	.50		
ZONE 5 - Lincoln & Warren Counties:					
General laborer	8.325	.50	.50		
Dynamiter or powderman	8.825	.50	.50		
Plumber laborer	8.80	.50	.50		
LATHERS	10.225				.01
MARBLE SETTERS	9.59	.325	.50		
MARBLE SETTERS HELPERS	9.28				
PAINTERS:					
ZONE 1 - Lincoln County:					
Brush	6.80				
Spray	7.20				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (contd):					
ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St. Louis					
Brush	$9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
PIPEFITTERS:					
ZONE 1 - Light commerical work & on jobs within the boundaries of the City of St. Louis & St. Louis County	10.45	2.775	.90		
ZONE 2 - Other construction & jobs within twenty miles beyond the boundary line of St. Louis County	10.83	2.775	.90		
ZONE 3 - Other construction & jobs more than twenty miles beyond the boundary line of St. Louis County	11.01	2.775	.90		
PLASTERERS	9.70	.325	.80		.03
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	11.01	2.775	.90		
POWER EQUIPMENT OPERATORS:					
ZONE 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-avator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self- powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONTD.):

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over tend pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.

Work in tunnel or tunnel shaft, .25¢ above base rate.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	$8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauchhammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asplant roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; compressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; firemaa-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

Group 4 - (a)Oiler. (b)clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition; slate and tile	$8.65	.47	.45	1.00	.03
Kettlemen	6.45	.47	.45	1.00	.03
SHEET METAL WORKERS	9.64	.48+3%	.66	.77	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	11.41	.50	.80		.09
STONE DERRICKMAN (Jefferson, St. Charles & St. Louis Counties)	7.35	.50	.65		
TERRAZZO WORKERS	11.05				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances, pick-up trucks, flatbed trucks	$6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day; Memorial Day; Indepencence Day; Labor Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV76-5065
COUNTIES: Washoe
DATE: Date of Publication
Supersedes Decision Number NV76-5004 dated January 16, 1976, in 41 FR 2595.
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	12.00	.75	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)	9.10	.50	.65		.05
Zone B (15-35 miles from Court House in Reno)	9.60	.50	.65		.05
Zone C (35-75 miles from Court House in Reno)	10.00	.50	.65		.05
CARPENTERS:					
Carpenters	9.35	.65	1.01	1.00	.04
Floorlayers; Patent Scaffold Erectors; Power Saw Operators	9.50	.65	1.01	1.00	.04
Piledrivermen	9.55	.65	1.01	1.00	.04
Millwrights	9.95	.65	1.01	1.00	.04
CEMENT MASONS:					
Cement Masons	8.65	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.55	.60	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.55	.60	1.00	.03
DRYWALL INSTALLERS	9.60	.65	1.01	1.00	.04
ELECTRICIANS:					
Electricians; Technicians	11.84	.65	1% + .77		.08
Cable Splicers	13.02	.65	1% + .77		.08
ELEVATOR CONSTRUCTORS	12.39	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$7.845	.25	.55	.855	
IRONWORKERS:					
Fence Erectors	9.64	1.03	1.65	1.10	.03
Reinforcing; Ornamental; Structural	10.53	1.03	1.65	1.10	.03
LATHERS	10.86	.56	.20		.01
PAINTERS:					
Brush	10.50	.70	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	10.75	.70	.20		
PLASTERERS	9.35	.50	1.00		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	10.64	.73	.80	1.95	.10
ROOFERS	10.10	.45	.20		.02
SHEET METAL WORKERS	9.00	.94	1.80	.90	.05+.02
SOFT FLOOR LAYERS	10.05	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.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.

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS						
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yds.	$8.45	$9.60	.51	.65		.05
4 yds. and under 8 yds.	8.65	9.80	.51	.65		.05
8 yds. and under 18 yds.	8.85	10.00	.51	.65		.05
18 yds. and under 35 yds.	9.00	10.15	.51	.65		.05
35 yds. and under 60 yds.	9.25	10.40	.51	.65		.05
60 yds. and under 75 yds.	9.40	10.55	.51	.65		.05
75 yds. and under 100 yds.	9.55	10.70	.51	.65		.05
100 yds. and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yds.	8.85	10.00	.51	.65		.05
8 yds. and including 12 yds.	8.95	10.10	.51	.65		.05
Over 12 yds.	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gals.	8.65	9.80	.51	.65		.05
2,500 gals. and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit - 2 axle	8.65	9.80	.51	.65		.05
Single unit - 3 axle	8.75	9.90	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	8.50	9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd):						
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	$8.60	$9.75	.51	.65		.05
18,000 pounds and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed): Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSEMAN SPOTTERS; Teamsters	8.55	9.70	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05
LABORERS:						
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; 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, including 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

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:	AREA 1	AREA 2				
(Except Piledriving and Steel Erection):						
Group 1	$8.35	$9.50	.87	$1.98	.82	.20
Group 2	8.72	9.87	.87	1.98	.82	.20
Group 3	8.92	10.07	.87	1.98	.82	.20
Group 4	9.44	10.59	.87	1.98	.82	.20
Group 5	9.65	10.80	.87	1.98	.82	.20
Group 6	9.77	10.92	.87	1.98	.82	.20
Group 7	9.94	11.09	.87	1.98	.82	.20
Group 8	10.32	11.47	.87	1.98	.82	.20
Group 9	10.54	11.69	.87	1.98	.82	.20
Group 10	10.77	11.92	.87	1.98	.82	.20
Group 10-A	10.89	12.04	.87	1.98	.82	.20
Group 11	11.06	12.21	.87	1.98	.82	.20
Group 11-A	12.14	13.39	.87	1.98	.82	.20

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 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

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 7 (Cont'd):
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)

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 (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 2 1/2 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)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

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)

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 Township 22N, Range 29E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 16N, Range 30E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner of Township 37N, Range 52E;
Thence Easterly to the N.W. corner of Township 37N, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westerly to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: ORANGE
DECISION NO: NY76-3198
DATE: Date of Publication
Supersedes Decision No. NY76-3136 dated January 23, 1976 in 41 FR 3670
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

36-NY-1-2-3-D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$12.58	5%	10%		
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers, cement masons plasterers and stone masons:					
Twps., of Newburg, New Windsor, Blooming Grove, Cornwall, Highlands, Woodbury and Monroe; and Arden and Southfield	8.70	.97	.98	1.25	
Cement finishers, Hvy. & Hwy.	8.70	.97	.98	1.25	
Cement finishers, Bridge & overpass work -	7.70	.97	.98	1.25	
Greenwood Lake, Warwick, Monroe and Tuxedo to Hudson River and areas east thereof to County line	8.90	.69	1.69	1.00+g	.03
Remainder of County	8.75	.83	.78	1.00	
Cement masons, Hvy. & Hwy.	8.05	6%	8%	.50	
Carpenters:					
Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove and Highlands:					
Carpenters, soft floor layers, bridge dock and wharf carpenters, building, heavy and highway	9.67	.85	.75	1.15	.15
Remainder of County:					
Carpenters, building:					
Carpenters & soft floor layers	9.70	.45	.65	.40	.05
Piledrivermen, dock builders building	9.70	.45	.65	.40	.05
Carpenters, highway:	9.70	.45	.65	.40	.05
Piledrivermen, dock builders, highway	9.70	.45	.65	.40	.05
Electricians:					
Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harman, Southfields, Tuxedo Lake and Tuxedo Twp.	10.00	8%	17%	10%	1%

DECISION NO. NY76-3198

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of County	$ 9.90	.65	1%+.69	.60	½%
Remainder of County:					
For the repair, renovation, alteration, and new installations of Electrical systems in light commercial and industrial property, herein defined to include stores, gas station, motels & hotels	6.35	.75	1%	.30	
Elevator Constructors	9.52	.445	.29+f	b+c	.02
Elevator Constructors' helpers	7.14	.445	.29+f	b+c	.02
Elevator Constructors' helpers (prob.)	4.76	.445	.29+f	b+c	.02
Elevator Constructors Modernization	8.75	.445	.29+f	b+c	.02
Elevator Constructors Modern. Helpers	6.56	.445	.29+f	b+c	.02
Elevator Constructor repair	7.90	.445	.29+f	b+c	.02
Elevator Constructor repair helper	5.92	.445	.29+f	b+c	.02
Glaziers	9.90	.66	1.66	.37	.01
Ironworkers, structural, ornamental and reinforcing	9.75	1.10	1.10+.82	1.35	
Laborers: (Building)					
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	8.25	.80	.80	a	
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunnite, sandblasting, barmen, chain saw, riding power buggy, vibro barco, joy tamper, or similar walk behind roller	8.50	.80	.80	a	
Lathers	9.02	.90	.55	.75	.01
Leadburners	10.50	.40	.25	d	.01

DECISION NO. NY76-3198

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen cable splicer & material man	$10.40	.65	1%+.60	e	½%
Groundman digging machine operator	9.36	.65	1%+.60	e	½%
Groundman mobile equipment operator	8.32	.65	1%+.60	e	½%
Groundman truck driver and mechanic	7.90	.65	1%+.60	e	½%
Groundman dynamite man	8.32	.65	1%+.60	e	½%
Cable splicer	11.44	.65	1%+.60	e	½%
Marble setters, terrazzo workers and tile setters:					
West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thereof County lines:					
Marble setters, cutters	7.80	.78	.94		
Marble setters' helpers	8.50	1.05		1.15	
Terrazzo workers	8.40	1.11	.63		
Terrazzo workers' helpers	7.43	.475	.475		
Terrazzo machine operator	7.68	.475	.475		
Tile setters	8.50	.80	2.10		
Tile setters' helpers	7.58	.50	1.27		
Millwrights	10.39	1.10	1.68	.60	.02
Painters:					
Commercial & industrial	8.00	7%	.50		
Spray & sandblasting	9.00	7%	.50		
Steel, smoke stacks, bridges, towers, etc.	8.90	7%	.50		

DECISION NO: NY76-3198

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Steamfitters:					
Twps., of Villages & Hamlets and/or portions thereof: Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Parks, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury, Woodbury Station, Highland Mills, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	9.10	11%	12%	12%	.10
Remainder of County	9.81	.88	1.22	.59	.10
Roofers:					
Pitch, pitch built up	10.65	1.00	1.51		
Asphalt Shingle	7.65	1.00	1.51		
Asbestos, slate and tile, slab	10.15	1.00	1.51		
Asphalt builtup	10.15	1.00	1.51		
Sheet metal workers	10.00	9.3%	16%	9%	.02
Sprinkler fitters	11.61	.60	.90		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. NY76-3198

FOOTNOTES:

a. Holidays: A through F

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; X-Mas Eve; and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. Employer contributes $7.00 per day to Annuity Fund.

g. Employee shall receive 2 hours time off with pay on Election Days.

h. Holiday A through F, Kincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, providing employee works one day in the calendar week in which the holiday falls; and further providing that the holiday falls on a regular work day.

i. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

j. Employer contributes $.20 per hour to an annuity fund.

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FOOTNOTES: (CONT'D)

k. Employer contributes $.73 per hour to a Security benefit fund.

l. Employer contributes $1.08 per hour to a combined health, welfare and pension fund.

m. Employer contributes $.45 per hour to an annuity fund.

n. Paid Holiday, St. Patricks Day.

HEAVY AND HIGHWAY CONSTRUCTION:

GROUP I: Laborer, pitman, flagmen, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barracades and all reflective type materials for traffic control

GROUP II: Concrete men, vibtator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., ½pwer buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and s, seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind selfpropelled power saw walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), all sheeting and sharing comming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man

GROUP III: Concrete finisher on highways, form setter, granite stone layer, ingersoll rand heavy duty crawler - master type HCMZ or equivalent or any drill using a 4" or larger bit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.80	.60	.60	a	
GROUP II	8.05	.60	.60	a	
GROUP III	8.45	.60	.60	a	

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilct/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%=5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

DECISION NO. NY76-3198

NY-20-PEO-2-X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-comon,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor-patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. NY76-3198

BUILDING, HEAVY & HIGHWAY CONSTRUCTION N.Y. 2-TD-1-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$ 8.90	.80	.80	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	8.80	.80	.80	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	8.60	.80	.80	a		
Ten wheelers, grease trucks and tiller men	8.50	.80	.80	a		
Straight trucks	8.40	.80	.80	a		
Pick-up trucks used for hauling material parts escort man over the road	8.40	.80	.80	a		
Helpers	8.30	.80	.80	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS
DECISION NO.: NY76-3202 DATE: Date of Publication
Supersedes Decision No. NY76-3138 dated January 23, 1976 in 41 FR 3682
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$12.58	5%	10%		
Boilermakers	10.57	5%	15%	.7%	.01
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.55	.85	1.65	g	
Carpenters, Building:					
Wappingers, Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	10.02	.85	.65	.80+1+m	.10
Remainder of County:					
Carpenters and soft floor layers	10.02	7¼%	7¼%	.80	.10
Carpenters, Heavy and Highway:					
Wappingers Falls, New Hackensack, Pawling, and Beacon:					
Carpenters	10.02	.85	.65	.80+1+m	.10
Remainder of County:					
Carpenters	10.02	7¼%	7¼%	.80	.10
Cement masons, bricklayers, stone masons (Heavy & Highway)	10.35	.85	1.65	h	
Electricians:					
Beacon and Fishkill	9.90	.65	1%+.69	.60	½%
Remainder of County	9.25	.75	1%+.85	5%+a+1	½%
Entire county: except Beacon and Fishkill:					
Repair, renovation, alteration and new installations of Electricial Systems in light commercial and industrial property, herein defined to include stores, gas stations, motels and hotels	6.35	.75	1%	.30	

DECISION No. NY76-3202	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator constructors	$10.59	.495	.32	c+d	.02
Elevator constructors' helpers	7.41	.495	.32	c+d	.02
Elevator constructors' helpers (prob)	5.295				
Glaziers	9.90	.66	1.66	.37	.01
Ironworkers, structural, orna. & reinforcing	9.75	1.10	1.92	1.35	
Lathers	7.70	9%	.55		.01
Lead burners	10.50	.40	.25	e	.01
Line Construction:					
Lineman	10.40	.50	1%+.50	f	3/8%
Cable Splicer	11.44	.50	1%+.50	f	3/8%
Groundman digging machine operator	9.36	.50	1%+.50	f	3/8%
Groundman mobile equipment operator	8.32	.50	1%+.50	f	3/8%
Groundman truck driver	7.90	.50	1%+.50	f	3/8%
Groundman dynamite man & Mechanic	8.32	.50	1%+.50	f	3/8%
Marble setters helpers	8.50	1.05		1.15+b	
Painters:					
Brush	6.90	.42	i	k	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing state, window jacks, boat-swain chair, safety belts, and spray structural steel	7.90	.42	i	k	
Piledrivermen, dock & wharf builders	10.39	1.10	1.68	.66	.02
Plumbers and steamfitters	10.00	.40	1.15	1.30	.05
Roofers, asphalt shingle	7.65	1.00	1.51		
Roofers, slate & tile, asbestos, slab, asphalt builtup	10.15	1.00	1.51		
Roofers, pitch, pitch builtup	10.65	1.00	1.51		

DECISION No. NY76-3202

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet metal workers	$10.00	9.3%	16%	9%	.02
Sprinkler fitters	11.61	.60	.90		.08
Terrazzo workers' helpers	10.15			b	
Tile setters' helpers	10.15			b	
Welders - receive prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Paid Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

c. Holidays: A through F.

d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

i. Employer contributes $.30 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

l. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

N.Y. 14-LAB-1-I

DECISION No. NY76-3202

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
General laborers	$ 8.08	.71	1.35	a	
Hod carriers (plasters' helpers), scaffold builders (padlock & sefl-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pump 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	8.33	.71	1.35	a	
Blasters, laser beam op.	8.48	.71	1.35	a	

FOOTNOTE:

a. Two hours off with pay on Election Day.

Poughkeepsie and South thereof: N.Y.-7-PEO-1-J 1 of 2

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

Poughkeepsie and South thereof:

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6⅝+.875	8⅛%	a	1½%
GROUP II	11.37	6⅝+.875	8⅛%	a	1½%
GROUP III	11.2275	6⅝+.875	8⅛%	a	1½%
GROUP IV	11.085	6⅝+.875	8⅛%	a	1½%
GROUP V	9.9425	6⅝+.875	8⅛%	a	1½%
GROUP VI					
A	13.655	6⅝+.875	8⅛%	a	1½%
B	12.7975	6⅝+.875	8⅛%	a	1½%
C	8.9975	6⅝+.875	8⅛%	a	1½%
D	11.7975	6⅝+.875	8⅛%	a	1½%
E	10.5125	6⅝+.875	8⅛%	a	1½%
F	11.37	6⅝+.875	8⅛%	a	1½%
G	16.5125	6⅝+.875	8⅛%	a	1½%
H	9.9425	6⅝+.875	8⅛%	a	1½%
I	16.2275	6⅝+.875	8⅛%	a	1½%
J	14.5125	6⅝+.875	8⅛%	a	1½%
K	15.5125	6⅝+.875	8⅛%	a	1½%
L	12.785	6⅝+.875	8⅛%	a	1½%
M	13.285	6⅝+.875	8⅛%	a	1½%
GROUP VII	12.5125	6⅝+.875	8⅛%	a	1½%

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.36	.45	.80	a	.10
GROUP 2	9.43	.45	.80	a	.10
GROUP 3	9.54	.45	.80	a	.10
GROUP 4	9.73	.45	.80	a	.10
GROUP 5	10.06	.45	.80	a	.10
GROUP 6	10.21	.45	.80	a	.10
GROUP 7	10.39	.45	.80	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION

15-LAB-2-3-J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
General laborers	$7.89	9%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	8.14	9%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter, laser beam operator	8.49	9%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

Poughkeepsie and South thereof: 1 of 2

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional koader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1½%
GROUP II	9.95	6%	8%+a	b	1½%
GROUP III	9.825	6%	8%+a	b	1½%
GROUP IV	9.70	6%	8%+a	b	1½%
GROUP V	8.70	6%	8%+a	b	1½%
GROUP VI	10.95	6%	8%+a	b	1½%
GROUP VII	10.325	6%	8%+a	b	1½%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday Columbus Day; November Election Day and Veteran's Day.

DECISION No. NY76-3202

REMAINDER OF COUNTY 27-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
GROUP I	$9.69	.55	.60+a	b	.10
GROUP II	9.37	.55	.60+a	b	.10
GROUP III	8.69	.55	.60+a	b	.10
GROUP IV	7.90	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30per hour to an Supplemental Unemployment Bene Fund.

b. Paid Holidays A through F; providing the employee works the working da before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or ov crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

DECISION No. NY76-3202

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION No. NY76-3202

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

N.Y. 2-TD-1-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$ 8.90	.80	.80	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	8.80	.80	.80	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	8.60	.80	.80	a		
Ten wheelers, grease trucks and tiller men	8.50	.80	.80	a		
Straight trucks	8.40	.80	.80	a		
Pick-up trucks used for hauling material parts escort man over the road	8.40	.80	.80	a		
Helpers	8.30	.80	.80	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

DECISION NO.: OK76-4109

COUNTY: Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma

SUPERSEDES DECISION NO. AP-304 dated August 4, 1972 in 37 FR 15789
DESCRIPTION OF WORK: Residential Construction, 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.
Carpenters	$4.85				
Cement masons	5.03				
Electricians	4.65				
LABORERS:	3.00				
Laborers	3.00				
Mason tender	4.00				
Painters, brush	4.02				
Painters, spray	5.50				
Plumbers & Pipefitters	5.50				
Roofers	4.17				
Sheet metal workers	5.27				
Soft floor layers	4.10				
Tile setters	3.73				
Tile setters helper	2.30				
Plasterers	4.98				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.25				
Blade graders	3.50				
Backhoes	4.00				
Scrapers	3.50				
Shovels	4.00				

SUPERSEDEAS DECISION

STATE: Tennessee
COUNTY: Knox
DECISION NUMBER: TN76-1055
DATE: Date of Publication
Supersedes Decision No.: AQ-4051 dated January 18, 1974 in 39 FR-2321
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 & heating mechanics	4.15				
Bricklayers	7.16				
Carpenters	5.25				
Electricians	3.75				
Drywall finishers	5.54				
Drywall hangers	5.77				
Ironworkers, reinforcing	4.10				
Laborers:					
Laborers	2.78				
Mason tenders	3.63				
Painters, brush	5.27				
Plumbers	4.35				
Roofers	4.26				
Sheet metal workers	4.84				
Soft floor layers	4.75				
Tile setters	5.50				
Truck drivers	2.89				
POWER EQUIPMENT OPERATORS:					
Air compressors	4.50				
Backhoes	4.06				
Bulldozers	4.50				
Forklifts	3.84				
Front end loaders	4.50				
Graders	4.50				

STATE: Texas
DECISION NO.: TX76-4106
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No, TX76-4088, dated May 21, 1976, in 41 FR 21153.
DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$ 8.95	.70	.70		.06
Orange County	9.595	.425	.70		.04
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	10.68	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	9.685		.30		.05
Residential construction of not more than two units and condonimium townhouses of not more than 6 units, excluding all apartments construction and multiple buildings for rental purposes	7.45		.30		
Millwrights	8.605				
Piledrivermen	7.96		.30		
CEMENT MASONS	9.30				
ELECTRICIANS	10.20	.40	1%+.285		.06
ELEVATOR CONSTRUCTORS	8.60	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Northern half of Jefferson Co.	9.075				
Southern half of Jefferson Co. & all of Orange Co.:					
Commercial	9.40				
Residential	9.25				
IRONWORKERS	9.10	.55	.85		.10
LABORERS:					
GROUP 1 - Common laborer; asphalt ironer & raker; sand blaster, exclusive of preparation for painters; dumper, spotter & wagon drill; powderman-blaster; well driller	5.69	.28	.30		.02
GROUP 2 - Carpenter tender	5.74	.28	.30		.02
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	5.79	.28	.30		.02

DECISION NO. TX76-4106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
GROUP 4 - Plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe	$ 5.89	.28	.30		.02
GROUP 5 - Mortar mixers, hod carriers & mason tender	5.94	.28	.30		.02
GROUP 6 - Machine man & nozzleman for gunniting 1½" & over	6.065	.28	.30		.02
LATHERS	9.385	.30			.01
LINE CONSTRUCTION:					
Linemen	10.485	.40	1%		1/2%
Groundmen	7.65	.40	1%		1/2%
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
GROUP 1 - Brush, wood & wall, paperhanger:					
Commercial	9.40				
Residential	9.25				
GROUP 2 - Brush, steel:					
Commercial	9.45				
Residential	9.30				
GROUP 3 - Spray:					
Commercial	9.90				
Residential	9.77				
GROUP 4 - Sandblaster, power cleaning; All time spent rigging:					
Commercial	9.725				
Residential	9.51				
GROUP 5 - Brush, hot paint or creosote:					
Commercial	10.15				
Residential	9.51				
GROUP 6 - Spray, hot paint or creosote:					
Commercial	10.65				
Residential	10.04				
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications					

DECISION NO. TX76-4106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
Northern half of Jefferson County:					
GROUP 1 - Brush:					
Commercial	$ 9.175				
Residential	8.925				
GROUP 2 - Paper & vinyl hanger:					
Commercial	9.425				
Residential	9.175				
GROUP 3 - Brush, steel:					
Commercial	9.35				
GROUP 4 - Spray:					
Commercial	9.60				
Residential	9.35				
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications					
PIPEFITTERS	9.86	.35	.72		.08
PLASTERERS	9.00	.42	.30		.02
PLUMBERS	9.79				.03
ROOFERS:					
Roofers	8.14	.20	.25	.25	.03
Kettlemen	7.42	.20	.25	.25	.03
Helpers	5.27	.20	.25	.25	.03
SHEET METAL WORKERS	9.01	.40	.15		.10
SPRINKLER FITTERS	10.90	.60	.90		.08
TILE SETTERS	9.20	.275	.30		.04
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons & wash, grease, tireman, fuel pump operators when used on construction	4.40				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
GROUP 3 - Over 2½ tons, farm tractors 'when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts	4.85				

DECISION NO. TX76-4106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Euclids (not self-loading)	$ 4.95				
GROUP 5 - Warehousemen-material checker	4.965				
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 thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$10.035		.25	--	
GROUP 2	8.50		.25		
GROUP 3	7.88		.25		
GROUP 4	7.69		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Fingerlift Operator; Elevator when used to haul men or material on construction work; Well Point Systems & operation of similar dewatering devices

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Lubbock
DECISION NO.: TX76-4110
DATE: Date of Publication
Supersedes Decision No. TX76-4047, dated February 20, 1976, in 41 FR 7918.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.50	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.50		.30		
CARPENTERS	7.55	.30	.40		.01
CEMENT MASONS	6.75				
ELECTRICIANS:					
Electricians	8.85	.40	1%		1/10%
Cable splicers	9.10	.40	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.73	.55	.70		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	7.855	.55	.70		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	4.425	.275	.20		
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe	4.70	.275	.20		
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	4.625	.275	.20		
GROUP 4 - Wagon drill	4.775	.275	.20		
GROUP 5 - Blasters & powder make-up men	5.025	.275	.20		
LATHERS	$ 6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	8.35	.40	1%		
Operators	80%JR	.40	1%		
Groundmen (more than 1 year experience)	55%JR	.40	1%		
Groundmen (less than 1 year experience)	50%JR	.40	1%		
Flat bed truck operator	70%JR	.40	1%		
PAINTERS:					
Brush	5.85	.30	.20		.04
Spray	6.50	.30	.20		.04
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	8.41	.39	.40		.04
ROOFERS	3.50				
SHEET METAL WORKERS	9.43	.35	.30		.10
SOFT FLOOR LAYERS	5.85	.30	.20		.04
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. TX76-4110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 6.40	.30	.50		.10
GROUP 2	7.30	.30	.50		.10
GROUP 3	7.70	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

[FR Doc.76-18916 Filed 7-1-76;8:45 am]

Index to General Wage Determination Decisions and Modifications as of June 4, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 25th day of June 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/16/76
Mod. #1 - 41 FR 19004- 5/7/76
Mod. #2 - 41 FR 20117 - 5/14/76
Mod. #3 - 41 FR 21028 - 5/21/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76

(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1063 (B)
41 FR 21043 - 5/21/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mod. #3 - 41 FR 21028 - 5/21/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,D,R)
41 FR 4743 - 1/30/76
Mod. #1 - 41 FR 9719 - 3/5/76
Mod. #2 - 41 FR 15232 - 4/9/76
Mod. #3 - 41 FR 21981 - 5/28/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 10817 - 3/12/76
Mod. #3 - 41 FR 12846 - 3/26/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
Mod. #1 - 41 FR 10817 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 17287 - 4/23/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
Mod. #1 - 41 FR 10818 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Mod. #1 - 41 FR 2533 - 1/16/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,HW) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
Mod. #1 - 41 FR 18263 - 4/30/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 20117 - 5/14/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 8623 - 2/27/76
Mod. #3 - 41 FR 18264 - 4/30/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Mod. #1 - 41 FR 14269 - 4/2/76
Mod. #2 - 41 FR 18263 - 4/30/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5019 (B,H,Hw,D)
41 FR 9725 - 3/5/76
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19004 - 5/7/76
Decision #CA76-5020 (R)
41 FR 9742 - 3/5/76
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19005 - 5/7/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5148 (B,D,H,Hw)
40 FR 58016 - 12/12/75
Mod. #1 - 40 FR 59651 - 12/29/75
Mod. #2 - 41 FR 6946 - 2/13/76
Mod. #3 - 41 FR 14270 - 4/2/76
Mod. #4 - 41 FR 21981 - 5/28/76
Decision #CA75-5149 (R)
40 FR 58026 - 12/12/75
Mod. #1 - 41 FR 6948 - 2/13/76
Mod. #2 - 41 FR 14270 - 4/2/76
Mod. #3 - 41 FR 21982 - 5/28/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5050 (B,H,Hw,D)
41 FR 22723 - 6/4/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5051 (R)
41 FR 22730 - 6/4/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5034 (Hw)
41 FR 16353 - 4/16/76
Mod. #1 - 41 FR 21029 - 5/21/76
Mod. #2 - 41 FR 21982 - 5/28/76
ADAMS COUNTY
Decision #CO76-5042 (B,H)
41 FR 21046 - 5/21/76
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5045 (B,H)
41 FR 21069 - 5/21/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5043 (B,H)
41 FR 21055 - 5/21/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R)-- See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5044 (B,H)
41 FR 21061 - 5/21/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See-Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Mod. #1 - 41 FR 17287 - 4/23/76
Mod. #2 - 41 FR 21030 - 5/21/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Mod. #1 - 41 FR 17289 - 4/23/76
Mod. #2 - 41 FR 21031 - 5/21/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/22/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 54386 - 11/21/75
Mod. #3 - 41 FR 8624 - 2/27/76
Mod. #4 - 41 FR 21032 - 5/21/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/29/75
(D) - See Brevard County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76

Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1025 (B)
41 FR 6958 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Cobb County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 21033 - 5/21/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5048 (B,H,Hw,D,R)
41 FR 22735 - 6/4/76

IDAHO

STATEWIDE
Decision #ID76-5047 (B,H,Hw)
41 FR 22739 - 6/4/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2027 (H,Hw)
41 FR 9782 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #1 - 41 FR 11722 - 3/19/76

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
Decision #IL76-2063 (B)
41 FR 20123 - 5/21/76
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Mod. #1 - 41 FR 20120 - 5/14/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/15/75
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
Mod. #2 - 41 FR 15233 - 4/9/76
Mod. #3 - 41 FR 20121 - 5/14/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See FordCounty
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2072 (B)
41 FR 22715 - 6/4/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
Decision #IL76-2067 (B)
41 FR 21974 - 5/28/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2014 (B,R)
41 FR 6977 - 2/13/76
Mod. #1 - 41 FR 11722 - 3/19/76
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN75-2133 (H,Hw)
40 FR 59155 - 12/19/75
Mod. #1 - 41 FR 4734 - 1/30/76
Mod. #2 - 41 FR 9720 - 3/5/76
Mod. #3 - 41 FR 17292 - 4/23/76
Mod. #4 - 41 FR 21986 - 5/28/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2056 (B)
41 FR 16374 - 4/19/76
Mod. #1 - 41 FR 18265 - 4/30/76
Mod. #2 - 41 FR 19007 - 5/7/76
Mod. #3 - 41 FR 21984 - 5/28/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2057 (B,H,Hw)
41 FR 15383 - 4/16/76
Mod. #1 - 41 FR 18265 - 4/30/76
Mod. #2 - 41 FR 21985 - 5/28/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
None
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4055 (B,H,Hw)
41 FR 8671 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4056 (B,H,Hw)
41 FR 8674 - 2/27/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
None
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
None
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
MMod. #1 - 41 FR 11726 - 3/19/76
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
Mod. #2 - 41 FR 20118 - 5/14/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Mod. #2 - 40 FR 59096 - 12/19/75
Decision #MO76-4008 (R)
41 FR 3620 - 1/23/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4199 (B)
40 FR 57100 - 12/5/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4193 (B)
40 FR 54405 - 11/21/75
Mod. #1 - 41 FR 8625 - 2/27/76
Decision #KS75-4194 (R)
40 FR 57093 - 12/5/75
Mod. #1 - 41 FR 8625 - 2/27/76
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1031 (B)
41 FR 8699 - 2/27/76
Mod. #1 - 41 FR 20119 - 5/14/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
Mod. #3 - 41 FR 20119 - 5/14/76
(D) - See Boone County
(H,Hw) - See Anderson County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
Mod. #1 - 41 FR 8626 - 2/27/76
Mod. #2 - 41 FR 12849 - 3/26/76
Mod. #3 - 41 FR 20119 - 5/14/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
Mod. #3 - 41 FR 8626 - 2/27/76
Mod. #4 - 41 FR 14273 - 4/2/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
Mod. #3 - 41 FR 10819 - 3/12/76
Mod. #4 - 41 FR 20118 - 5/14/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #LA76-4091 (B,Hw,R)
41 FR 21084 - 5/21/76
Mod. #1 - 41 FR 22718 - 6/4/76
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd.)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3141 (B)
41 FR 7909 - 2/20/76
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Decision #MD76-3164 (H,Hw)
41 FR 18268 - 4/30/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3161 (B,H)
41 FR 15246 - 4/9/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3159 (Hw)
41 FR 15241 - 4/9/76
Decision #MD76-3160 (B,H)
41 FR 15243 - 4/9/76
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76

Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County

CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City

(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS (Cont'd)

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R, & Marine)

40 FR 54408 - 11/21/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21993 - 5/28/76
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2051 (B,H)
41 FR 16396 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 20131 - 5/14/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
Mod. #2 - 41 FR 20127 - 5/14/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F,Hw, W&S) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
Mod. #3 - 41 FR 16308 - 4/16/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4010 (H,Hw)
41 FR 4783 - 1/30/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #MO76-4008 (R)
41 FR 3620 - 1/23/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO76-4066 (B)
41 FR 9793 - 3/5/76
Decision #MO76-4067 (R)
41 FR 9797 - 3/5/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5035 (B)
41 FR 15264 - 4/9/76
Mod. #1 - 41 FR 21993 - 5/28/76
Decision #MT76-5036 (H,Hw)
41 FR 15289 - 4/9/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5027 (R)
41 FR 15250 - 4/9/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4076 (H,Hw)
41 FR 18273 - 4/30/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4074 (H,Hw)
41 FR 17299 - 4/23/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4093 (B,R)
41 FR 21999 - 5/28/76
Mod. #1 - 41 FR 22720 - 6/4/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4076 (B)
41 FR 18273 - 4/30/76
Mod. #1 - 41 FR 20128 - 5/14/75
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5046 (B,H,Hw)
41 FR 21108 - 5/21/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
(B,H,Hw) - See Statewide
Decision #NV76-5005 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 2601 - 1/16/76
Mod. #1 - 41 FR 16309 - 4/16/76
Mod. #2 - 41 FR 19010 - 5/7/76
Mod. #3 - 41 FR 21033 - 5/21/76
Mod. #4 - 41 FR 21994 - 5/28/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5004 (R)
41 FR 2595 - 1/16/76
Mod. #1 -41 FR 8628 - 2/27/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Mod. #3 - 41 FR 16311 - 4/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 16311 - 4/16/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 57073 - 12/5/75
Mod. #2 - 41 FR 21994 - 5/28/76
Decision #NM75-4204 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 59167 - 12/19/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16309 - 4/16/76
Mod. #4 - 41 FR 19010 - 5/7/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NJ76-3144 (B,H,Hw)
41 FR 8733 - 2/27/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Mod. #1 - 41 FR 6954 - 2/13/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16312 - 4/16/76
Mod. #4 - 41 FR 19011 - 5/7/76
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3135 (B,H,Hw)
41 FR 3666 - 1/23/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUGUA COUNTY
Decision #NY75-3123 (B,H,Hw)
40 FR 59676 - 12/29/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3138 (B,H,Hw)
41 FR 3682 - 1/23/76
Mod. #1 - 41 FR 5522 - 2/6/76
Mod. #2 - 41 FR 17293 - 4/23/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3162 (B,H,Hw)
41 FR 16409 - 4/16/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3122 (B,H,HW)
40 FR 59671 - 12/29/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3129 (B,H,Hw)
41 FR 3641 - 1/23/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3149 (B,H,Hw)
41 FR 10839 - 3/12/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3121 (B,H,Hw)
40 FR 59667 - 12/29/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3114 (B,H,Hw)
40 FR 57130 - 12/5/75
ONONDAGA COUNTY
Decision #NY76-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3136 (B,H,Hw)
41 FR 3670 - 1/23/76
Mod. #1 - 41 FR 17293 - 4/23/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3130 (B,H,Hw)
41 FR 3647 - 1/23/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3125 (B,H,Hw)
41 FR 3630 - 1/23/76
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21036 - 5/21/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3126 (B,H,Hw)
41 FR 3636 - 1/23/76
Mod. #1 - 41 FR 21036 - 5/21/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.)

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1065 (B)
41 FR 22749 - 6/4/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 - (R)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74-

OHIO (Cont'd)

CUYAHOGA COUNTY (Cont'd.)
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 54387 - 11/21/75
Mod. #3 - 40 FR 58015 - 12/12/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #OH76-2044 (B)
41 FR 15313 - 4/9/76
(H,Hw) - See Statewide
(R) - See Delaware County
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B,R)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2059 (B)
41 FR 19018 - 5/7/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B) -
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4022 (B)
41 FR 5559 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 22720 - 6/4/76
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4023 (B)
41 FR 5562 - 2/6/76
Mod. #1 - 41 FR 16312 - 4/16/76
Mod. #2 - 41 FR 19011 - 5/7/76
Mod. #3 - 41 FR 22721 - 6/4/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4019 (B)
41 FR 5553 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHAMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4021 (B)
41 FR 5557 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5015 (B,H,Hw,D)
41 FR 5564 - 2/6/76
Mod. #1 - 41 FR 19012 - 5/7/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA75-3113 (B)
40 FR 57137 - 12/5/75
Mod. #1 - 41 FR 4738 - 1/30/76
Mod. #2 - 41 FR 7894 - 2/20/76
Mod. #3 - 41 FR 14274 - 4/2/76
ALLEGHENY COUNTY
(H,Hw) - See Beaver County
Decision #PA76-3157 (B)
41 FR 14298 - 4/2/76
Mod. #1 - 41 FR 17295 - 4/23/76
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
ARMSTRONG COUNTY
(H,Hw) - See Butler County
(B) - See Allegheny County
BEAVER COUNTY
(H,Hw) - See Butler County
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
Decision #PA76-3168 (B)
41 FR 21122 - 5/21/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
Mod. #4 - 40 FR 55612 - 11/28/75
Mod. #5 - 41 FR 14274 - 4/2/76
Mod. #6 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3172 (B)
41 FR 22016 - 5/28/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76

BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstron g County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
Mod.f#1 - 41 FR 17295 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55612 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
Mod. #5 - 41 FR 8629 - 2/27/76
Mod. #6 - 41 FR 11729 - 3/19/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 54388 - 11/21/75
Mod. #3 - 40 FR 55616 - 11/28/75
Mod. #4 - 41 FR 11731 - 3/19/76
Mod. #5 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA75-3112 (B)
40 FR 57316 - 12/5/75
Mod. #1 - 40 FR 59097 - 12/19/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 16313 - 4/16/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76
Mod. #1 - 41 FR 18266 - 4/30/76

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48846 - 10/17/75
Mod. #4 - 40 FR 55612 - 11/28/75
Mod. #5 - 41 FR 16312 - 4/16/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 15236 - 4/9/76
Mod. #5 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6/13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 11730 - 3/19/76
(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 14274 - 4/2/76
Mod. #4 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 fR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
Mod. #6 - 40 FR 55611 - 11/28/75
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHYUKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3120 (B)
40 FR 59178 - 12/19/75
Mod. #1 - 41 FR 11732 - 3/19/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COINTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIFFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
MCCORMIC COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNET COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (CONT'D)

MARSHALL COUNTY
(Hw) - See Statewide
Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5014 (B)
41 FR 4797 - 1/30/76
Mod. #1 - 41 FR 15236 - 4/9/76
(Hw) - See Statewide
Decision #SD76-5014 (B)
41 FR 4797 - 1/30/76
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5153 (B)
41 FR 1700 - 1/9/76
Mod. #1 - 41 FR 4739 - 1/30/76
Mod. #2 - 41 FR 15236 - 4/9/76
(Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (CONT'D.)

TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABAUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1110 (B,H)
40 FR 55630 - 11/28/75
Mod. #1 - 40 FR 59666 - 12/29/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 2618 - 1/16/76
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (B,H, W&S, & Utility)
41 FR 2615 - 1/16/76
Mod. #1 - 41 FR 18267 - 4/30/76
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4077 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 19024 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4084 (B)
41 FR 21141 - 5/21/76
Decision #TX76-4078 (R)
41 FR 19032 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4079 (B)
41 FR 19034 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) -eSee Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/21/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 3567 - 1/23/76
Mod. #3 - 41 FR 11734 - 3/19/76
Mod. #4 - 41 FR 16313 - 4/16/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 17296 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4034 (B)
41 FR 7021 - 2/13/76
Mod. #1 - 41 FR 12852 - 3 /26/76
Mod. #2 - 41 FR 16313 - 4/16/76
Mod. #3 - 41 FR 17296 - 4/23/76
Mod. #4 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4035 (B)
41 FR 7023 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 15237 - 4/9/76
Mod. #3 - 41 FR 17296 - 4/23/76
Mod. #4 - 41 FR 21037 - 5/21/76
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
Mod. #1 - 41 FR 21039 - 5/21/76
(H,Hw) - See Statewide
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4086 (B)
41 FR 21148 - 5/21/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4081 (B,R)
41 FR 19039 - 5/7/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4088 (B,R)
41 FR 21153 - 5/21/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX76-4089 (B)
41 FR 21155 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4047 (B)
41 FR 7918 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 17298 - 4/23/76
Mod. #3 - 41 FR 21038 - 5/21/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4090 (B)
41 FR 21157 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4051 (B)
41 FR 7924 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21038 - 5/21/76
Mod. #3 - 41 FR 22721 - 6/4/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5017 (B,H,Hw)
41 FR 7043 - 2/13/76
Mod. #1 - 41 FR 16315 - 4/16/76
Mod. #2 - 41 FR 17298 - 4/23/76
Mod. #3 - 41 FR 19013 - 5/7/76
Mod. #4 - 41 FR 21995 - 5/28/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3173 (B)
41 FR 21104 - 5/21/76
Mod. #1 - 41 FR 22722 - 6/4/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTEBOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3118 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14275 - 4/2/76
Mod. #4 - 41 FR 21040 - 5/21/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14274 - 4/2/76
Mod. #4 - 41 FR 21039 - 5/21/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 8630 - 2/27/76
Mod. #3 - 41 FR 11735 - 3/19/76
Mod. #4 - 41 FR 14274 - 4/2/76
Mod. #5 - 41 FR 21039 - 5/21/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5012 (B,H,Hw,D)
41 FR 11785 - 3/19/76
Mod. #1 - 41 FR 19015 - 5/7/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3174 (B,Hw, W&S)
41 FR 21159 - 5/21/76
Mod. #1 - 41 FR 22722 - 6/4/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/21/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2061 (B,R)
41 FR 20149 - 5/14/76
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

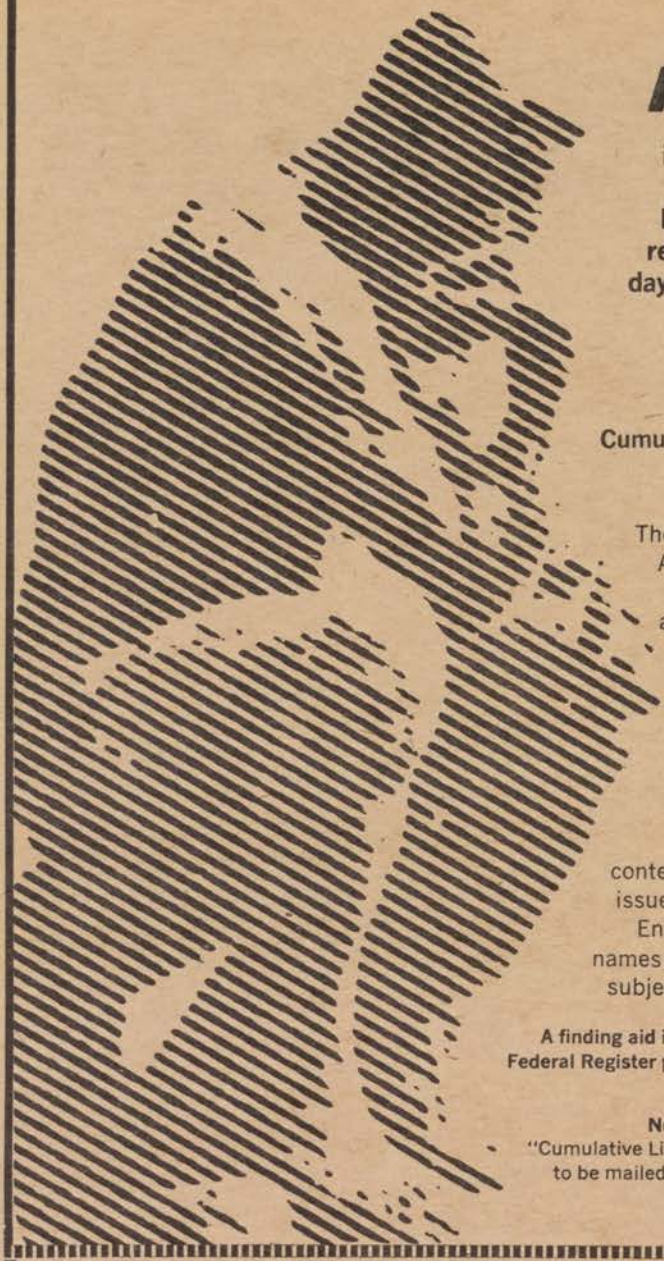
WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5049 (B,H)
41 FR 22025 - 5/28/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

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