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federal register

FRIDAY, JULY 16, 1976

highlights

PART I:

TELEVISION POLE ATTACHMENTS
FCC orders staff study of certain jurisdictional and economic issues 29490

RADIO SERVICES
FCC adopts rules regarding broadcast identification announcements; effective 7–22–76 29394

FREQUENCIES
FCC rules to permit certain VHF channels to be used for intership communications as well as ship to coast; effective 8–12–76 29395

ARTS
NFAH implement indemnities under the Arts and Artifacts Indemnity Act; effective 7–16–76 29384

FEDERAL EMPLOYEES
State Department proposal on participation in cultural exchange programs of foreign governments; comments by 8–16–76 29410

FOOD DISTRIBUTION
USDA/FNS revokes regulations governing terminated program of financial assistance; effective 7–7–76 29408

SHRIMP-FISHING INDUSTRY
Commerce/EDA summarizes study of producing firms 29460

SOIL SAMPLES
USDA/APHIS revises list of laboratories approved to receive shipments 29450

FERTILIZER MANUFACTURING
EPA proposal establishing effluent limitations for urea and ammonium nitrate; comments by 8–16–76 29429

CONTINENTAL SHELF
Interior/BLM publishes call for nominations and comments by 9–7–76 on area for oil and gas leasing 29440

QUARANTINE
USDA/APHIS amends rules restricting interstate movement of cattle because of scabies; effective 8–16–76 29379

HEALTH MANPOWER
HEW/PHS adopts grant regulations for education initiative projects; effective 7–16–76 29380

CONTINUED INSIDE

reminders

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

Rules Going Into Effect Today

DOT/CG—Termination of security zones; Aardvark Salvage Co., Chester, Pa. 22346; 6–3–76

FCC—Radio broadcast services; table of assignments; Calif.... 23675; 6–11–76

Table of assignments; FM broadcast stations; Nebr..... 23955; 6–14–76

Interior/FWS—Federal/State cooperation in the conservation of endangered and threatened species.... 24354; 6–16–76

Rules Going Into Effect July 17, 1976

DOT/FAA—Airworthiness directives; Bell. 23374; 6–10–76

Standard instrument approach procedures; Laredo, TX.. 23376; 6–10–76

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.

S. 811..... Pub. Law 94–360
Horse Protection Act Amendments of 1976
(Jul. 13, 1976; 90 Stat. 915)

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
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/PSOO	LABOR		DOT/PSOO	LABOR

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

Comments on this trial program are invited. 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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NEW MOTOR VEHICLES
EPA issues regulations concerning certification and test procedures; effective 7–16–76 29389

ANTIBIOTIC DRUGS
HEW/FDA proposes updating and technical amendments for bacitracin and zinc bacitracin for human use; comments by 9–14–76 29413

CONFLICT OF INTEREST
Justice/LEAA continues solicitation for comments until 8–9–76 concerning organizational provision 29436

PRIVACY ACT OF 1974
USDA/FCIC proposes combining two systems of records; comments by 8–16–76 29456

SECURITIES EXCHANGE ACT OF 1934
SEC extends comment period to 9–13–76 on proposal regarding enforcement obligations of exchanges and associations 29434

CONSOLIDATED SYSTEM REPORTS
FCC adopts rules requiring monthly submission by certain companies subject to their control; effective 9–1–76 29393

MIGRANT AND SEASONAL FARMWORKERS PROGRAMS
Labor/ETA decides to fund HEP and CAMP Projects from 9–1–76 to 8–31–77 29500

MEETINGS—
Commerce/DIBA: Subcommittee on Export Administration of the President's Export Council, 8–4–76 29458
CSC: Federal Employees Pay Council, 8–3–76 29472
DOD: Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements, 8–24 and 8–25–76 29436
DOT/FRA: Railroad Operating Rules Advisory Committee, 8–17 and 8–18–76 29468
HEW/FDA: Advisory Committees for 8–76 29462
OE: National Advisory Council on Indian Education, 8–6, 8–7 and 8–8–76 29462
Labor: Federal Advisory Council on Occupational Safety and Health, 7–21–76 29525
National Advisory Council on Occupational Safety and Health, 7–22–76 29525
EBSO: Advisory Council on Employee Welfare and Pension Benefit Plans, 8–3–76 29502
FCCPO: Federal Advisory Committee for Higher Education Equal Opportunity Employment Opportunity Programs, 8–2–76 29526

CANCELLED MEETINGS—
Justice/LEAA: Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, 7–22–76 29436

RESCHEDULED MEETINGS—
Commerce/NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 8–5–76 29461

PART II:

NONDISCRIMINATION ON BASIS OF HANDICAP
HEW proposed regulations on programs or activities receiving or benefiting from Federal financial assistance; comments by 9–14–76 29547

PART III:

RATES AND FEES
PS publishes notice of certain changes; effective 7–18–76 29569

PART IV:

MINIMUM WAGES
Labor/ESA general wage determinations for Federal and federally assisted construction 29593

contents

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Calif. and Ariz. ... 29408
Limes grown in Florida ... 29409

Proposed Rules

Filberts grown in Oregon and Washington ... 29411
Milk marketing orders:
Ohio Valley ... 29412
Potatoes (Irish) grown in Calif. and Ore ... 29411

Notices

Grain standards; inspection points:
Mississippi ... 29450
North Dakota ... 29450

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules

Appeal regulations:
Reconsideration requests and special handling appeals; procedures ... 29413

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Notices

Privacy Act of 1974; system of records ... 29456

AIR FORCE DEPARTMENT

Notices

Environmental statements:
Relocation of Communications Service; hearing ... 29435

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Livestock and poultry quarantine:
Scabies in cattle ... 29373

Notices

Soil samples; list of approved laboratories for receipt ... 29450

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Rules

Arts and Artifacts Indemnity Act:
Requirements ... 29384

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1976; additions and deletions (6 documents) ... 29472, 29473

CENSUS BUREAU

Rules

Foreign trade statistics:
American Samoa; no shipper's export declarations ... 29374

CIVIL AERONAUTICS BOARD

Proposed Rules

Charters:
Study group by direct air carriers ---- 29426

Notices

Hearings, etc.:
Hughes Airwest ---- 29468
Pan American World Airways and Trans World Airlines ---- 29469

CIVIL RIGHTS COMMISSION

Notices

Texas; hearing ---- 29472

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Agriculture Department ---- 29373
International Trade Commission ---- 29373
Labor Department ---- 29373
Treasury Department ---- 29373

Notices

Meeting:
Federal Employees Pay Council ---- 29472

COAST GUARD

Rules

Security zones:
Penns Landing, Delaware River, Philadelphia, Pennsylvania ---- 29378

COMMERCE DEPARTMENT

See Census Bureau; Domestic and International Business Administration; Economic Development Administration; National Bureau of Standards.

COMMODITY FUTURES TRADING COMMISSION

Notices

Maine Potato Futures Contract of New York Mercantile Exchange; amendments ---- 29473
Indemnification of exchange officials ---- 29474

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Notices

Authority redelegation:
Regional administrators, et al ---- 29468

COMPTROLLER OF THE CURRENCY

Notices

Securities; over-the-counter trading suspension:
Mercantile National Bank, Atlanta, Ga ---- 29435

DEFENSE DEPARTMENT

See also Air Force Department; Defense Supply Agency.

Notices

Meetings:
Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements ---- 29436

DEFENSE SUPPLY AGENCY

Notices

Future contract debarment; proposed cancellation or termination ---- 29436

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Computer Systems Technical Advisory Committee ---- 29457
Numerically Controlled Machine Tool Technical Advisory Committee ---- 29458
Subcommittee on Export Administration of the President's Export Council ---- 29458
Scientific articles, duty free entry:
University of Pittsburgh ---- 29459

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
Washburn Wire Co ---- 29461
Shrimp—fishing industry; study of producing firms ---- 29460

EDUCATION OFFICE

Notices

Meetings:
National Advisory Council on Indian Education ---- 29462

EMPLOYEE BENEFITS SECURITY OFFICE

Notices

Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc ---- 29502
Meetings:
Advisory Council on Employee Welfare and Pension Benefit Plans ---- 29502
Univar Retirement Plan; pendency of exemption relating to transaction; joint issuance with Internal Revenue Service ---- 29503

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications ---- 29501
Migrant and seasonal farmworker programs; funding of HEP and CAMP projects ---- 29500
Unemployment compensation, emergency; Federal supplemental benefits; ending period; Idaho ---- 29500

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions ---- 29593

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Environmental statements; availability, etc.:
Livermore Laboratories ---- 29477

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control, new motor vehicles and engines:
Certification and test procedures; technical amendments ---- 29389

Proposed Rules

Water pollution; effluent guidelines for certain point source categories:
Fertilizer; urea and ammonium nitrate ---- 29429

Notices

Air quality implementation plans; various states, etc.:
Arkansas ---- 29478
Iowa ---- 29479
Kansas ---- 29480
Louisiana ---- 29481
Missouri ---- 29482
Nebraska ---- 29485
New Mexico (2 documents) ---- 29486
Oklahoma ---- 29487
Texas ---- 29487
Meeting:
National Air Pollution Control Techniques Advisory Committee ---- 29487
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Cyano (3-phenoxyphenyl) methyl 4-chloro-*α*-(1-methylethyl) benzeneacetate ---- 29479

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements; availability, etc ---- 29475

FEDERAL COMMUNICATIONS COMMISSION

Rules

Common carriers and certain affiliates:
Monthly reports ---- 29393
Maritime services, land and shipboard:
Use of VHF channels 69, 71 and 78 for intership communications as well as ship to coast ---- 29395
Radio broadcast services:
Broadcast station identification announcements ---- 29394
FM broadcast stations, La Crosse, Wisconsin ---- 29394
Radio and television broadcasting; reregulation ---- 29395

Proposed Rules

Domestic public land mobile radio service:
Regulatory policies and procedures ---- 29432
Public safety radio service:
Fire radio service frequencies; power limitation ---- 29433

Notices

Cable television pole attachment issues, staff study 29490
International and Satellite Radio Applications accepted for filing 29490

FEDERAL CONTRACT COMPLIANCE OFFICE

Notices

Meetings:
Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs 29526

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood insurance program, National:
Special hazard areas 29396

FEDERAL MARITIME COMMISSION

Notices

Agreements, filed, etc.:
Holt Hauling and Warehousing System, Inc., et al 29493
North Europe U.S. Pacific Freight Conference 29493
Prudential Lines, Inc. and Lykes Bros. Steamship Co., Inc 29493
Trans-Pacific Freight Conference (Hong Kong), et al. and New York Freight Bureau, et al 29494
Freight forwarder licenses:
Seaways Forwarding Co., Inc 29494
Order to show cause; arrangements relating to the use of Isla Grande Marine Terminal, San Juan, Puerto Rico 29491

FEDERAL RAILROAD ADMINISTRATION

Notices

Meetings:
Railroad Operating Rules Advisory Committee 29468

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Colonial Bancorp, Inc. (2 documents) 29494
Columbia Holding Corp 29495
First Missouri Banks, Inc 29495
First National Cincinnati Corp 29496

FISH AND WILDLIFE SERVICE

Rules

Migratory bird hunting:
Puerto Rico and Virgin Islands; open season dates for 1976–77 season 29387

Notices

Endangered species permits; applications (5 documents) 29441–29446
Marine mammal applications, etc.:
Siniff, Donald B 29447
Vancouver Public Aquarium 29449

FOOD AND DRUG ADMINISTRATION

Proposed Rules

Antibiotic drugs:
Bacitracin and zinc bacitracin 29413

Notices

Meetings:
Advisory Committees for August 29462

FOOD AND NUTRITION SERVICE

Rules

Food distribution; donation for U.S. and territories, etc.:
Child Nutrition Programs; availability of donated foods; correction 29408
Financial assistance for distribution of Federally donated commodities; revocation 29408

FOREST SERVICE

Rules

National recreation areas:
Sawtooth National Recreation Area; private land use category reclassification 29379

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Public Health Service.

Proposed Rules

Nondiscrimination:
Programs and activities receiving or benefiting from Federal financial assistance 29547

HISTORICAL PRESERVATION ADVISORY COUNCIL

Notices

Meeting 29468

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Proposed Rules

Income taxes:
Disclosure statements regarding individual retirement accounts, annuities and endowment contracts; public hearing 29411

Notices

Univar Retirement Plan; pendancy of exemption relating to transaction; joint issuance with Employee Benefits Security Office 29503

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Chicory Root: Crude and prepared 29496

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Atchison, Topeka and Santa Fe Railway Co 29386
Chicago, Rock Island and Pacific Railroad Co 29387
Missouri Pacific Railroad Co 29387
Stock cars for boxcars substitution 29386

Notices

Agreements under section 5a, applications for approval, etc.:
Midwest Household Goods Carriers 29526
Finance application 29526
Hearing assignments 29526

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See also Employee Benefits Security Office; Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Office; Occupational Safety and Health Administration; Wage and Hour Division.

Rules

Comprehensive Employment and Training Act; Programs under Titles I and II; correction 29378

Notices

Adjustment assistance:
Allis-Chalmers Corp 29504
Ampco-Pittsburgh Corp 29505
Belmont Manufacturing Corp 29505
Billfold Corp. of America 29506
Brown Shoe Co 29506
Canterbury Belts of Puerto Rico, Inc 29507
Cardozo Manufacturing Co., Inc 29507
Carling National Brewers, Inc 29508
Charles Rabin and Co., Inc 29508
Cluett Peabody and Co., Inc 29508
Consolidated Pants Inc 29509
Dame Belt Co., Inc. and Mac Originals, Inc 29510
Debra Co. Inc 29510
East West Musical Instruments Co., Inc 29511
Electro-Mechanical Products 29511
Fairfield Glove Co., Inc 29511
Fairview Manufacturing Co 29512
Gary Garment 29512
Gibson Inc 29513
Grandoe Corp 29513
International Shoe Co 29514
Interstate Manufacturing Corp. (2 documents) 29514
Janesville Auto Transport Co 29515
La Toska Fashions, Inc 29515
Leisure Manufacturing Co 29515
Manhattan Shirt Co., Inc. (2 documents) 29516
Mayaguez Leather Products, Inc 29516
Mayaguez Shoe Corp 29516
Midwest Footwear Co., Inc 29517
Mobilizer Manufacturing Co 29517
Modern Cloth Sponging Co 29517

Novelty Slipper Co., Inc. 29518
Oomphies, Inc. (2 documents) 29518
Russell, Burdsall and Ward, Inc 29519
Star Glove Co 29519
Stride Rite Manufacturing Corp 29520
Teledyne Inc 29520
Top-O-Mart Clothes, Inc 29521
TRW/IRC 29521
United States Steel Corp 29522
Vulcan Mold and Iron Co 29523
Wallace Murray Corp 29523
Western Industries 29523
W. R. Grace and Co 29524
W. T. Grant Co 29524
Zenith Electronics Corp 29525

Meetings:
National Advisory Committee on Occupational Safety and Health, Subgroups on Standards and Policy and Issues 29525

LAND MANAGEMENT BUREAU

Notices

Oil and leasing Outer Continental Shelf (2 documents) 29437, 29440

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Advisory Committee of the National Institute of Law Enforcement and Criminal Justice; cancellation 29436
Organizational conflict of interest provision; extension of comment period 29436

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Environmental statements; availability, etc.
Ames Research Center 29497

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee; postponement 29461

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rules

Occupant crash protection highway safety program standards; cross reference 29434

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Health and safety standards:
Inorganic arsenic; exposure to 29425
Ketones; toxic substances 29425

Notices

Meetings:
Federal Advisory Council on Occupational Safety and Health 29525

PANAMA CANAL

Rules

Employee responsibilities and conduct:
Miscellaneous amendments and corrections 29378

POSTAL SERVICE

Notices

Postal rates and fees, certain permanent; effective date 29569

PUBLIC HEALTH SERVICE

Rules

Grants:
Community mental health centers and regional medical programs; correction 29379
Health manpower education initiative projects 29380

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Environmental statements; availability, etc.:
Arizona Electric Power Cooperative, Inc 29456

SECURITIES AND EXCHANGE COMMISSION

Rules

Organization and functions:
Division of Investment Management Regulation; Renamed and transfer of certain functions 29374

Proposed Rules

Securities Exchange Act:
Enforcement obligations of exchanges and associations 29434

Notices

Hearings, etc.:
Banker Ramo Corp 29499
Ready Reserves Trust 29498
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc. 29499
Pacific Stock Exchange, Inc. 29497

STATE DEPARTMENT

Proposed Rules

Cultural Exchange Programs of of Foreign Governments:
Federal employees participation 29410

TRANSPORTATION DEPARTMENT

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

Proposed Rules

Occupant crash protection highway safety program standards 29434

TREASURY DEPARTMENT

See also Comptroller of Currency; Internal Revenue Service.

Notices

Antidumping:
Large power transformers from Switzerland 29435
Tuners (type used in electronic products) from Japan 29435

WAGE AND HOUR DIVISION

Rules

Fair Labor Standards Act:
Special minimum wages for handicapped workers in competitive employment; correction 29378

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

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

RESERVATIONS: BILL SHORT, 523–5282

list of cfr parts affected in this issue

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

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

5 CFR

213 (4 documents) 29373

7 CFR

250 29408
251 29408
910 29408
911 29409

PROPOSED RULES:

780 29413
947 29411
982 29411
1033 29412

9 CFR

73 29373

14 CFR

PROPOSED RULES:

373 29426

15 CFR

30 29374

17 CFR

200 29374

PROPOSED RULES:

240 29434

21 CFR

PROPOSED RULES:

436 29413
448 29413

22 CFR

PROPOSED RULES:

64 29410

23 CFR

PROPOSED RULES:

1204 29434

24 CFR

1915 29396

26 CFR

PROPOSED RULES:

1 29411

29 CFR

95 29378
96 29378
524 29378

PROPOSED RULES:

1910 (2 documents) 29425

33 CFR

127 29378

35 CFR

255 29378

36 CFR

292 29379

40 CFR

86 29389

PROPOSED RULES:

418 29429

42 CFR

54 29379
56b 29379
57 29380

45 CFR

1160 29384

PROPOSED RULES:

84 29548

47 CFR

1 29393
43 29393
73 (3 documents) 29394, 29395
81 29395
83 29395

PROPOSED RULES:

21 29432
89 29433

49 CFR

1033 (4 documents) 29386, 29387

PROPOSED RULES:

571 29434

50 CFR

20 29387

CUMULATIVE LIST OF PARTS AFFECTED DURING JULY

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

3 CFR

PROCLAMATIONS:

4445 (correction) 29089
4446 27023
4447 27309
4448 27707

EXECUTIVE ORDERS:

August 23, 1895 (Revoked in part by PLO 5590) 27836

LETTERS:

July 1, 1976 ..... 27709, 27711

4 CFR

410 27311

5 CFR

213 ..... 27311, 27713, 28255, 29373
352 ..... 27713, 28783
1001 28783

7 CFR

2 27827
26 27969
245 28783
250 29408
251 29408
271 ..... 27365, 28784
301 27371
719 27374
908 ..... 27076, 27714, 28784, 29130
910 ..... 27376, 28286, 29408
911 ..... 27375, 28286, 29409
916 28784
917 ..... 27375, 28287, 28508
922 98785
945 29131
958 29133
980 ..... 27970, 29131
981 27827
1004 28785
1134 27077
1425 27077
1427 27078
1438 28287
1464 ..... 27080, 27376
1701 28289
1822 27970
1831 27971
1843 28509
1871 27081

PROPOSED RULES:

52 ..... 28291, 28527, 28792
225 28796
271 27388
275 28312
780 29413
905 28528
911 28295
916 27844
917 ..... 27735, 28794
944 28528
946 28295
947 ..... 28529, 29411
948 ..... 27386, 28297, 28530
958 ..... 27386, 27387
967 27972
980 ..... 27387, 28295
982 29411
984 28297

7 CFR—Continued

PROPOSED RULES—Continued

989 28979
1004 28308
1033 29412
1124 27844
1822 28795
1861 27851

8 CFR

100 27311
103 27312
214 27313
344 27313

PROPOSED RULES:

214 29149

9 CFR

73 29373
113 27714

PROPOSED RULES:

112 28311
303 28312
320 28312
381 28312

10 CFR

211 27953
212 27730

PROPOSED RULES:

2 27085
50 27085
205 27976
211 28797

11 CFR

PROPOSED RULES:

106 28413

12 CFR

202 28255
207 28257
220 28257
221 28258
226 ..... 28255, 28945
265 ..... 27026, 28946

PROPOSED RULES:

226 28313
342 28544
563 27852
563c 28545
570 27852

14 CFR

21 27954
37 27955
39 ..... 27026–27069, 27715–27717, 27955, 27956, 28509, 29091–29093
71 ..... 27029, 27030, 27718, 27719, 27956–27958, 28510, 29091–29096
73 ..... 27030, 29091–29097
75 ..... 29092, 29097, 29098
97 ..... 27719, 28511, 29098
208 28786
221 28946
241 ..... 27827, 28268

14 CFR—Continued

288 27313
298 ..... 27314, 28512
310 28946
399 28946

PROPOSED RULES:

1 27738
39 ..... 27084, 27738, 27975, 27976
71 ..... 27084, 27085, 27739, 28533–28535, 29152
75 29153
91 28535
191 27738
249 28313
278b 28313
373 29426
389 28313

15 CFR

30 29374
377 28258

16 CFR

13 ..... 27030, 27720, 27827, 27959, 29099
703 27828
1009 27960

PROPOSED RULES:

3 27744
447 27391
1201 27852

17 CFR

1 ..... 28260, 28947
10 28260
12 28260
14 28471
140 ..... 27510, 28260, 28473
146 28260
180 27520
200 29374
240 ..... 27961, 28947
249 28947

PROPOSED RULES:

180 27526
240 ..... 28798, 29434

18 CFR

2 ..... 27030, 27828
35 27829
101 28474
104 28474
141 28474
201 28474
204 28474
260 28474

PROPOSED RULES:

141 ..... 28416, 28904, 29179
250 29165

19 CFR

152 28786
153 27843
159 ..... 27031, 28787
201 28950

PROPOSED RULES:

1 ..... 27962, 28517
10 27962

20 CFR

401 27314
405 27961

21 CFR

5 28261
193 28951
310 28261
510 28264
520 ..... 27722, 28264
522 ..... 27033, 27316, 28265
558 28513
561 ..... 28790, 28951
640 27034
1002 27316
1220 27316
1303 28514
1304 28514
1308 28515

PROPOSED RULES:

128d 28990
436 29413
440 27082
444 29151
448 29413
452 27083
540 28313

22 CFR

6 29100

PROPOSED RULES:

64 29410

23 CFR

130 27962
230 28270
655 28477

PROPOSED RULES:

750 27739
1204 29434

24 CFR

35 28876
200 29140
845 ..... 27831, 27963
1914 ..... 29141, 29142
1915 ..... 28959, 29396

PROPOSED RULES:

888 28930
1917 28990
3283 29072

25 CFR

221 28266

PROPOSED RULES:

41 27082

26 CFR

Ch. I 28478

PROPOSED RULES:

1 ..... 28517, 28523, 28792, 29411
31 28517
301 28523

27 CFR

72 27034

28 CFR

42 28478
45 27317

PROPOSED RULES:

16 27972

29 CFR

40 27318
95 29378
96 29378
403 27318
524 29378
1952 28788

PROPOSED RULES:

1910 ..... 27744, 29425
1928 ..... 27378, 28797
1952 28313

30 CFR

55 28266
56 28266
57 28266
250 27319
251 27319

31 CFR

103 27831
520 27963

32 CFR

251 27963
286 27074
296 27074
297 27074
705 29101
707 29119
711 27319
742 29119
761 28957
765 29101

32A CFR

Ch. I 27722

33 CFR

110 27965
117 27035
127 ..... 27035, 27036, 27377, 27965, 27966, 28478, 29378
209 28952

PROPOSED RULES:

40 28531
110 ..... 27974, 27975, 28532
206 27378
237 29146

35 CFR

5 28789
253 27722
255 29378

PROPOSED RULES:

133 27978

36 CFR

7 ..... 27723, 29120
292 29379

PROPOSED RULES:

7 28291

37 CFR

1 27832

38 CFR

3 29120

PROPOSED RULES:

3 ..... 27391, 29188
4 27086

39 CFR

111 ..... 28478, 29136
244 27353

40 CFR

35 27966
52 ..... 27833, 28491, 28492
60 27967
61 27967
86 29389
124 28493
125 28493
141 28402
180 ..... 27035, 27355–27358, 28790, 29121
430 27732
454 27968
459 29078

PROPOSED RULES:

128 29156
129 29156
141 28991
180 ..... 27741, 28804, 28998
418 29429
430 27741
454 27976

41 CFR

1–1 27723
1–2 27725
1–16 27723
1–18 27725
3–4 27834
Ch. 5A 27037

PROPOSED RULES:

101–20 29188

42 CFR

54 29379
56b 29379
57 29380
101 28686

PROPOSED RULES:

101 28690

43 CFR

419 29084
1720 29122
2110 29122
2530 29122
2550 29122
2560 29122
2740 29123
2760 29123
2812 29123
2820 29123
2860 29122
2910 29123
3100 29122
3810 29122
3600 29122

PUBLIC LAND ORDERS:

5590 27836
5591 27837
5592 28954
5593 28954

PROPOSED RULES:

6220 27380

45 CFR

160 29280
196 29123
250 27300

45 CFR—Continued

1006 28497
1061 29125
1067 ..... 27359, 28277
1160 29384
1602 27837

PROPOSED RULES:

84 29548
233 ..... 27973, 28796

46 CFR

146 28116
531 27726
536 27726

PROPOSED RULES:

Ch. I 29151

47 CFR

0 27837
1 ..... 27837, 28789, 29137, 29393
43 29393
68 28694
73 ..... 27361–27364, 28497, 28789, 29137
73 ..... 27361–27364, 28497, 28789, 29137, 29394, 29395

47 CFR—Continued

74 28266
81 29395
83 ..... 27365, 27727, 29395
91 27727

PROPOSED RULES:

13 28800
15 28536
21 29432
73 ..... 27389–27390, 28801–28803, 29156
83 28800
89 ..... 28540, 29433

49 CFR

172 27728
173 27728
177 27968
192 29128
325 28267
393 ..... 28268, 29130
571 ..... 27073, 28505, 28506
581 27728
1033 ..... 27728, 27729, 29386, 29387
1041 27837

49 CFR—Continued

1054 27837
1100 27838
1108 27838
1220 28955

PROPOSED RULES:

221 29153
571 ..... 27740, 29434
1090–1099 28317
1300 28799
1307 28317

50 CFR

20 29387
28 28508
32 28508
258 27843
285 27968

PROPOSED RULES:

13 ..... 27381, 28291
17 ..... 27381, 27735, 28291, 28525, 28978
20 27382
32 27844

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*	*Pages*	*Date*
27023–27308	July 1	28471–28782	12
27309–27705	2	28783–28944	13
27707–27825	6	28945–29087	14
27827–27951	7	29089–29371	15
27953–28253	8	29373–29652	16
28255–28469	9		

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Executive Assistant to the Assistant Secretary for Employment Standards is excepted under Schedule C.

Effective on July 16, 1976, § 213.3315 (a) (48) is added as set out below:

§ 213.3315 Department of Labor.

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

(48) One Executive Assistant to the Assistant Secretary for Employment Standards.

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

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

[FR Doc.76-20366 Filed 7-15-76;8:45 am]

PART 213—EXCEPTED SERVICE

United States International Trade Commission

Section 213.3339 is amended to show that one position of Secretary (Steno) to a Commissioner is excepted under Schedule C.

Effective on July 16, 1976, § 213.3339 (n) is added as set out below:

§ 213.3339 United States International Trade Commission.

* * * * *

(n) One Secretary (Steno) to a Commissioner.

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

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

[FR Doc.76-20365 Filed 7-15-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to reflect a change in title from Deputy Under Secretary for Congressional Liaison to Deputy Under Secretary for Congressional and Public Affairs; and from one Private Secretary and six Confidential Assistants to the Deputy Under Secretary for Congressional Liaison to one Private Secretary and six Confidential Assistants to the Deputy Under Secretary for Congressional and Public Affairs. This section is further amended to show that the following positions are excepted under Schedule C: one Private Secretary to the Deputy for Congressional Affairs; one Private Secretary to the Deputy for Public Affairs.

Effective July 16, 1976, §§ 213.3313(c) (4) and (6) are amended, and (c) (11) and (12) are added as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

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

(4) One Private Secretary to the Deputy Under Secretary for Congressional and Public Affairs.

* * * * *

(6) Six Confidential Assistants to the Deputy Under Secretary for Congressional and Public Affairs.

* * * * *

(11) One Private Secretary to the Deputy for Congressional Affairs.

(12) One Private Secretary to the Deputy for Public Affairs.

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

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

[FR Doc.76-20607 Filed 7-15-76;8:45 am]

PART 213—EXECUTIVE SERVICE

Department of the Treasury

Section 213.3305 is amended to reflect a title change from Staff Assistant to the Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination to: Staff Assistant to the Assistant Secretary (International Affairs).

Effective July 16, 1976, § 213.3305(a) (19) is amended as set out below:

§ 213.3305 Department of Treasury.

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

(19) One Staff Assistant to the Assistant Secretary (International Affairs).

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

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

[FR Doc.76-20608 Filed 7-15-76;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Kearney County, Nebraska, and portions of Imperial County in California from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas.

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

In § 73.1a, paragraph (b) relating to the State of Nebraska is amended and in paragraph (d) relating to the State of California, paragraphs 5, 6, and 7 are deleted.

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Filmore County comprised of S.W. ¼ of sec. 34, T. 8. N., R. 1 W. in Exeter Precinct.

* * * * *

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

Effective date: The foregoing amendment shall become effective July 9, 1976.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and

other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-20426 Filed 7-15-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

No Shipper's Export Declarations Required for Shipments to American Samoa

The following amendment is made to the regulations published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9134). In accordance with administrative procedure 5 U.S.C. 553, notice and hearing on this amendment are unnecessary because the amendment is one which grants an exemption.

These regulations are issued under the authority of Title 13, United States Code, Section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-4A, January 1, 1972, 37 FR 3461.

Effective date: This amendment to the Foreign Trade Statistics Regulations is effective July 16, 1976.

Section 30.1(a)(2)(iii) is hereby amended by deleting "American Samoa and" so that, as amended, Section 30.1(a)(2)(iii) now reads as follows:

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) * * *
(2) * * *

(iii) To the Virgin Islands of the United States from the United States or Puerto Rico.

* * * * *

Dated: July 13, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

I concur: June 28, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-20581 Filed 7-15-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5720, 34-12568, 39-439, IC-9329]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Organization and Program Management Division Renamed; Transfer of Certain Functions

The Securities and Exchange Commission has approved the renaming of the Division of Investment Management Regulation to the Division of Investment Management and has approved the transfer of certain functions to that Division from the Division of Corporation Finance. Both actions are designed to reflect the Commission's determination that federal statutes and regulations affecting money management activity should be administered on a coordinated and, to the extent feasible, uniform basis.

The former Division of Investment Management Regulation was responsible for the administration of the regulatory provisions of the Investment Company Act of 1940 ("ICA") (15 U.S.C. 80a et seq.) and the Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.), and the Division of Investment Management will continue to perform this function. In addition, the Division of Investment Management will perform certain functions previously performed by the Division of Corporation Finance, relating to disclosure requirements applicable to investment companies and certain similar types of issuers. Specifically, the Division of Investment Management has assumed responsibility for interpretative questions arising under the Securities Act of 1933 (15 U.S.C. 77a et seq.) relating to investment companies and certain similar issuers, for the administration of disclosure requirements with respect to registration and proxy statements filed by such companies under the Securities Act of 1933, the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and the ICA, and for all matters pertaining to such companies arising under the Trust Indenture Act of 1939 (15 U.S.C. 7aaa et seq.). The functions transferred to the Division of Investment Management also include those pertaining to the review of periodic reports which investment companies transmit to their shareholders or file with the Commission pursuant to section 30 of the ICA (15 U.S.C. 80a-29).

These changes have been made to place the Division of Investment Management in a better position to examine the laws applicable to various types of money management activities—including those which now are not subject to direct regulation by the Commission—and to recommend any changes in, or additions to, such laws which may be appropriate. In this connection, the Division is about to undertake a study of all types of pooled investment vehicles, including a comparison of the regulatory requirements applicable to each. The plan for such a study reflects the Commission's recognition that many pooled investment vehicles which are not subject to the ICA nonetheless offer services somewhat similar to those offered by investment companies, and may pose problems, such as conflicts of interest on the part of management, similar to those which led to the enactment of the ICA. The ICA, however, does not readily lend itself to the appropriate regulation of many of these pooled investment vehicles. Therefore, the Division study will not confine itself to a consideration of whether legislation should be recommended to broaden the applicability of the ICA but will also consider the feasibility of an investment management statute designed to apply uniformly to existing and developing investment services.

These changes are also expected to facilitate coordination between those staff members responsible for administering regulatory requirements applicable to investment companies under the ICA, and those responsible for administering the disclosure requirements applicable to such companies.

Responsibility for matters pertaining to disclosure with respect to investment companies and certain similar issuers rests with the Office of Disclosure Policy and Review within the Division. The staff of this office consists, to a significant extent, of the same individuals who formerly served in similar capacities in the Division of Corporation Finance. Matters relating to the regulation of investment companies under the ICA will continue to be dealt with by the branches of the Division's Office of Investment Company Regulation.

In connection with the change in name of the "Division of Investment Management Regulation" to the "Division of Investment Management," Articles 20b and 30-5 (17 CFR 200.20b and 200.30-5) of Subpart A (25 FR 12712, Dec. 22, 1962) of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests have been amended to reflect the name change by deleting from the caption and first paragraph of both Articles and from paragraphs (h)(1) and (h)(2) of Article 30-5 the words "Investment Management Regulation" and adding in lieu thereof the words "Investment Management."

In connection with the transfer of functions, Articles 30-1 and 30-5 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests have been amended by the revocation of certain authority previously delegated to the Director of the Division of Corporation Finance and the delegation of that authority to the Director of the Division of Investment Management.

Articles 18 and 20b of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (17 CFR 200.18 and 200.20b), which describe the functions of the two Divisions, have been amended to reflect the transfer of functions.

Sections 200.18, 200.20b, 200.30-1 and 200.30-5, as amended, are set forth below.

§ 200.18 Director of Division of Corporation Finance.

The Director of the Division of Corporation Finance is responsible to the Commission for the administration of all matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, relating to establishing and requiring adherence to standards of economic and financial reporting and disclosure with respect to securities traded on national securities exchanges or required to be registered pursuant to section 12(g) (15 U.S.C. 78*l*(g)) of the Securities Exchange Act of 1934, or offered for public sale

pursuant to registration or exemptive regulations; establishing and requiring adherence to standards of fair disclosure in the solicitation of proxies for election of directors and other corporate actions; and for the enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securities. These duties shall include, with the exception of the enforcement and related activities under the jurisdiction of the Division of Enforcement, the responsibility to the Commission for the administration of disclosure and related requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Trust Indenture Act of 1939, and the investigations and inspections arising in connection with such administration, as listed below:

(a) All matters under the Securities Act of 1933 (15 U.S.C. 77a, et seq.) arising from or pertaining to material filed pursuant to the requirements of that Act, except such material filed by investment companies registered under the Investment Company Act of 1940.

(b) All matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, arising under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) in connection with:

(1) The registration of securities pursuant to section 12 of the Act (15 U.S.C. 78*l*), including the exemptive provisions of section 12(h) (15 U.S.C. 78*l*(h)).

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of the Act (15 U.S.C. 78m, 78*o*(d)).

(3) The examination and processing of proxy soliciting material filed pursuant to section 14(a) and information material filed pursuant to section 14(c) of the Act (15 U.S.C. 78n(a), 78n(c)).

(c) All matters relating to the examination and processing of statements of beneficial ownership of securities and changes in such ownership filed under section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)), section 17(a) of the Public Utility Holding Comping Act of 1935 (15 U.S.C. 79q(a)) and section 30(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–29(f)).

(d) The examination and processing of proxy and information material filed under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a, et seq.) and subject to Regulation 14A (§§ 240.14a–1 to 240.14a–12 of this Chapter) or Regulation 14C (§§ 240.14c–1 to 240.14c–7 of this Chapter) issued under the Securities Exchange Act of 1934.

(e) All matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, arising under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.).

§ 200.20b Director of Division of Investment Management.

The Director of the Division of Investment Management is responsible to the Commission for the administration of the Commission's responsibilities under the Investment Company Act of 1940 and the Investment Advisers Act of 1940, and with respect to matters pertaining to investment companies registered under the Investment Company Act of 1940 and pooled investment funds or accounts, the administration of all matters relating to establishing and requiring adherence to standards of economic and financial reporting and the administration of fair disclosure and related matters under the Securities Act of 1933 and the Securities Exchange Act of 1934 and enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securities, as listed in paragraphs (a) through (e) of this section. These duties shall include investigations and inspections arising in connection with such administration, but shall not include the enforcement and related activities under the jurisdiction of the Division of Enforcement:

(a) The administration of all matters arising under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.), except those arising under section 30(f) of the Act (15 U.S.C. 80a–29(f)).

(b) All matters arising under the Securities Act of 1933 (15 U.S.C. 77a, et seq.) arising from or pertaining to material field pursuant to the requirements of that Act by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.) and pooled investment funds or accounts.

(c) All matters arising under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.), except the examination and processing of statements of beneficial ownership of securities and changes in such ownership filed under section 16(a) (15 U.S.C. 78p(a)) of such Act, pertaining to investment companies registered under the Investment Company Act of 1940 and pooled investment funds or accounts in connection with:

(1) The registration of securities pursuant to section 12 of the Act (15 U.S.C. 78*l*), including the exemptive provisions of section 12(h) (15 U.S.C. 78*l*(h)).

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of the Act (15 U.S.C. 78m, 78*o*(d)).

(3) The examination and processing of proxy soliciting material filed pursuant to section 14(a) and information material filed pursuant to section 14(c) of the Act (15 U.S.C. 78n(a), 78n(c)).

(d) All matters pertaining to investment companies registered under the Investment Company Act of 1940 and pooled investment funds or accounts arising under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.).

(e) All matters arising under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, et seq.).

§ 200.30–1 Delegation of authority to Director of Division of Corporation Finance.

Pursuant to the provisions of Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporation Finance, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to registration of securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a, et seq.), and Regulation C thereunder (§ 230.400, et seq. of this Chapter):

(1) To determine the effective dates of amendments to registration statements filed pursuant to Section 8(c) of the Act (15 U.S.C. 77h(c)).

(2) To consent to the withdrawal of registration statements or amendments or exhibits thereto, pursuant to Rule 477 (§ 230.477 of this Chapter), and to issue orders declaring registration statements abandoned, pursuant to Rule 479 (§ 230.479 of this Chapter).

(3) To grant applications for confidential treatment of contract provisions pursuant to Rule 485 (§ 230.485 of this Chapter) under the Act; to issue orders scheduling hearings on such applications and to deny any such application as to which the applicant waives his right to a hearing, provided such applicant is advised of his right to have such denial reviewed by the Commission.

(4) To accelerate the use or publication of any summary prospectus filed with the Commission pursuant to section 10(b) of the Act (15 U.S.C. 77j(b)) and Rule 434A(g) (§ 230.434a(g) of this Chapter) thereunder.

(5) To take the following action pursuant to section 8(a) of the Act (15 U.S.C. 77h(a)):

(i) To determine registration statements to be effective within shorter periods of time than 20 days after the filing thereof;

(ii) To consent to the filing of amendments prior to the effective dates of registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act (15 U.S.C. 77h(a));

(iii) To determine to be effective applications for qualification of trust indentures filed with registration statements.

(6) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character, or

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required.

(7) Acting pursuant to section 4(3) of the Act (15 U.S.C. 77d(3)) or Rule 174 thereunder (§ 230.174 of this Chapter), to reduce the 40-day period or the 90-day

period with respect to transactions referred to in section 4(3)(b) of the Act (15 U.S.C. 77d(3)(B)).

(8) To act on applications to dispense with any written consents of an expert pursuant to Rule 437 (§ 230.437 of this Chapter).

(b) With respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.) and Regulation B thereunder (§ 230.300, et seq. of this Chapter):

(1) To authorize the commencement of the offering within shorter periods of time than 10 days after the filing of the offering sheet, pursuant to Rule 310(a) thereunder (§ 230.310(a) of this Chapter);

(2) To authorize the issuance of orders temporarily suspending the effectiveness of offering sheets as prescribed in Rule 334 thereunder (§ 230.334 of this Chapter);

(3) To issue notices of suspension of offering sheets and of opportunity for hearing thereon, in the manner prescribed in Rule 336(a) thereunder (§ 230.336(a) of this Chapter);

(4) To terminate temporary suspension orders issued by the Commission under Rule 334 (§ 230.334 of this Chapter), to terminate proceedings under Rule 336(a) (§ 230.336(a) of this Chapter) and to issue notices of such action, if at any time before the Commission enters an order setting the matter down for hearing, as set forth in Rule 336(c) (§ 230.336(c) of this Chapter), it finds that the offering sheet has been amended to cure the objections specified in the temporary suspension order or the notice instituting the proceeding;

(5) To authorize the issuance of orders granting requests for withdrawal of offering sheets, pursuant to Rule 344 thereunder (§ 230.344 of this Chapter), when it appears that no sales of securities described in said offering sheets have, in fact, been made;

(6) To authorize the issuance of orders declaring offering sheets effective, as amended, filed in accordance with the provisions in Rule 340 thereunder (§ 230.340 of this Chapter) and Rule 342 (c) thereunder (§ 230.342(c) of this Chapter);

(7) To authorize the issuance of orders terminating the effectiveness of offering sheets upon applications of persons filing them in compliance with the provisions of Rule 346 thereunder (§ 230.346 of this Chapter); and

(8) To authorize the granting of applications for release of reports filed with the Commission on Form 1–G (§ 239.101(b)(1) of this Chapter) pursuant to Rule 316(a) thereunder (§ 230.316(a) of this Chapter). (c) With respect to the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.):

(1) To determine to be effective prior to the 20th day after filing thereof applications for qualification of indentures filed on Form T–3 (§ 269.3 of this Chapter) pursuant to section 307 of the Act (15 U.S.C. 77ggg), and Rule 7a–1 thereunder (§ 260.7a–1 of this Chapter);

(2) To authorize the issuance of orders exempting certain securities from the provisions of the Act pursuant to sections 304 (c) and (d) thereof (15 U.S.C. 77ddd(c), 77ddd(d)) and Rule 4c–1, thereunder (§ 260.4c–1 of this Chapter);

(3) In cases in which opportunity for hearing is waived, to authorize the issuance of orders determining that a trusteeship under an indenture to be qualified and another indenture is not so likely to involve a material conflict of interest as to make it necessary to disqualify the trustee pursuant to section 310(b)(1)(ii) of the Act (15 U.S.C. 77jjj(b)(1)(ii)) and Rule 10b–2 thereunder (§ 260.10b–2 of this Chapter).

(d) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

(1) To determine to be effective applications for registration of securities on a national securities exchange prior to 30 days after receipt of a certification pursuant to section 12(d) of the Act (15 U.S.C. 78*l*(d));

(2) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character;

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required;

(3)(i) To grant and deny applications for confidential treatment filed pursuant to section 24(b) of the Act (15 U.S.C. 78x(b)) and Rule 24b–2 thereunder (§ 240.24b–2 of this Chapter);

(ii) To revoke a grant of any such application for confidential treatment.

(4) To authorize the use of forms of proxies, proxy statements or other soliciting material within periods of time less than that prescribed in Rules 14a–6, 14a–8(d) and 14a–11 (§§ 240.14a–6, 240.14a–8(d), and 240.14a–11 of this Chapter); to authorize the filing of information statements within periods of time less than that prescribed in Rule 14c–5(a) (§ 240.14c–5(a) of this Chapter); and to authorize the filing of information pursuant to Rule 14d–2(f) (§ 240.14d–2(f) of this Chapter) and Rule 14f–1 (§ 240.14f–1 of this Chapter) within periods of time less than that prescribed in those sections.

(5) To grant or deny applications filed pursuant to section 12(g)(1) of the Act (15 U.S.C. 78*l*(g)(1)) for extensions of time within which to file registration statements pursuant to that section and to grant or deny applications filed pursuant to Rule 12b–25 (§ 240.12b–25 of this Chapter) for extensions of time within which to file information, documents, or reports, provided the applicant is advised of his right to have any such denial reviewed by the Commission.

(6) To accelerate at the request of the issuer the effective date of registration statements filed pursuant to section 12(g) of the Act (15 U.S.C. 78*l*(g)).

(7) To issue notices of applications for exemptions under section 12(h) of the Act (15 U.S.C. 78*l*(h)).

(8) At the request of the issuer to accelerate the termination of registration of any class of equity securities as provided in section 12(g)(4) of the Act (15 U.S.C. 78*l*(g)(4)).

(e) To designate officers empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of any examination or investigation instituted by the Commission pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)), section 8(e) of the Securities Act of 1933 (15 U.S.C. 77h(e)), and section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(b)).

(f) In nonpublic investigatory proceedings within the responsibility of the Director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's Rules Relating to Investigations as in effect subsequent to November 16, 1972 (§ 203.6 of this Chapter).

(g) Notwithstanding anything in the foregoing:

(1) Matters arising under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.), the Securities Act of 1933 (15 U.S.C. 77a, et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) and the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.) pertaining to investment companies registered under the Investment Company Act of 1940 are not within the scope of the functions delegated to the Director of the Division of Corporation Finance, except those arising under section 30(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–29(f)).

(2) The Director of the Division of Corporation Finance shall have the same authority with respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.), Regulation A (§ 230.251, et seq. of this Chapter), and Regulation F (§ 230.651, et seq. of this Chapter), as that delegated to each Regional Administrator in paragraphs (a), (b) and (d) of Article 30–6 of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (§ 200.30–6 of this Chapter).

(3) In any case in which the Director of the Division of Corporation Finance believes it appropriate, he may submit the matter to the Commission.

§ 200.30–5 Delegation of authority to Director of Division of Investment Management.

Pursuant to the provisions of Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Investment Management, to be performed by him or under his direction by such person or persons as may

be designated from time to time by the Chairman of the Commission:

(a) With respect to the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.):

(1) To issue notices, pursuant to Rule 0–5(a) (§ 270.0–5(a) of this Chapter), with respect to applications for orders under the following sections of the Act and the rules and regulations promulgated thereunder and, with respect to section 8(f) (15 U.S.C. 80a–8(f)) of the Act, in cases where no application has been filed, where, upon examination, the matter does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held:

(i) Section 3(b)(2), 15 U.S.C. 80a–3(b)(2).
(ii) Section 6(b), 15 U.S.C. 80a–6(b).
(iii) Section 6(c), 15 U.S.C. 80a–6(c).
(iv) Section 6(d), 15 U.S.C. 80a–6(d).
(v) Section 6(e), 15 U.S.C. 80a–6(e).
(vi) Section 7(d), 15 U.S.C. 80a–7(d).
(vii) Section 8(f), 15 U.S.C. 80a–8(f).
(viii) Section 10(e), 15 U.S.C. 80a–10(e).
(ix) Section 10(f), 15 U.S.C. 80a–10(f).
(x) Section 11(a), 15 U.S.C. 80a–11(a).
(xi) Section 12(g), 15 U.S.C. 80a–12(g).
(xii) Section 16(a), 15 U.S.C. 80a–16(a).
(xiii) Section 17(b), 15 U.S.C. 80a–17(b).
(xiv) Section 17(d), 15 U.S.C. 80a–17(d).
(xv) Section 17(e), 15 U.S.C. 80a–17(e).
(xvi) Section 17(f), 15 U.S.C. 80a–17(f).
(xvii) Section 17(g), 15 U.S.C. 80a–17(g).
(xviii) Section 18(j), 15 U.S.C. 80a–18(j).
(xix) Section 23(b), 15 U.S.C. 80a–23(b).
(xx) Section 23(c), 15 U.S.C. 80a–23(c).
(xxi) Section 28(c), 15 U.S.C. 80a–28(c).
(xxii) Section 31(d), 15 U.S.C. 80a–30(d).
(xxiii) Section 32(c), 15 U.S.C. 80a–31(c).
(xxiv) Section 45(a), 15 U.S.C. 80a–44(a).

(2) To authorize the issuance of orders where a notice, pursuant to Rule 0–5(a), (§ 270.0–5(a) of this Chapter), has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not been previously settled by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors that a hearing be held (section 40(a) of the Act, 15 U.S.C. 80a–39(a));

(3) To permit the withdrawal of applications pursuant to the Act (15 U.S.C. 80a–1, et seq.)

(4) In connection with the mailing of reports to stockholders and the filing with the Commission of registration statements and of reports:

(i) To grant reasonable extensions of time, upon a showing of good cause and that it would not be contrary to the public interest or inconsistent with the protection of investors; and

(ii) To deny requests for extensions of time, provided the applicant is advised that he can request Commission review of any such denial.

(5) To permit, pursuant to Rule 20a–2(a)(9) (§ 270.20a–2(a)(9) of this Chapter), the omission from a proxy statement of a registered investment company of the certification of the balance sheet of the investment adviser of such investment company and, if the investment adviser is primarily engaged in a business other than the underwriting or distribution of investment company securities or the performance of advisory services to registered investment companies, to permit the summarization or omission of such balance sheet.

(6) To authorize the issuance of orders granting confidential treatment pursuant to section 45(a) of the Act (15 U.S.C. 80a–44(a)) where applications for confidential treatment are made regarding matters of disclosure in registration statements filed pursuant to section 8 of the Act (15 U.S.C. 80a–8), or in reports filed pursuant to section 30 of the Act (15 U.S.C. 80a–29), but only when the Commission has previously by order granted confidential treatment to the same information.

(b) With respect to matters pertaining to investment companies registered under the Investment Company Act of 1940 and pooled investment funds or accounts arising under the Securities Act of 1933, the Securities Exchange of 1934 and the Trust Indenture Act of 1939, the same functions as are delegated to the Director of the Division of Corporation Finance in regard to companies other than such registered investment companies in sections (a), (c) and (d) of Article 30–1 (§ 200.30–1 of this Chapter) of these articles.

(c) With respect to the Securities Act of 1933 and Regulation E thereunder (§ 230.601, et seq. of this Chapter):

(1) To authorize the offering of securities:

(i) Less than ten days subsequent to the filing with the Commission of a notification on Form 1–E (§ 239.200 of this Chapter) pursuant to Rule 604(a) (§ 230.604(a) of this Chapter);

(ii) Less than ten days subsequent to the filing of an amendment to a notification on Form 1–E (§ 239.200 of this Chapter) pursuant to Rule 604(c) (§ 230.604(c) of this Chapter).

(2) To authorize the use of a revised or amended offering circular less than ten days subsequent to the filing thereof pursuant to Rule 605(e) (§ 230.605(e) of this Chapter).

(3) To authorize the use of communications specified in paragraphs (a), (b) and (c) of Rule 607 (§ 230.607 of this Chapter), less than five days subsequent to the filing thereof.

(4) To permit the withdrawal of any notification, or any exhibit or other documents filed as a part thereof, pursuant to Rule 604(d) (§ 230.604(d) of this Chapter).

(d) To issue certifications to investment companies which are principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, pursuant to section 851(e) of the Internal Revenue Code of 1954 (26 U.S.C. 851(e)), where applications from such companies do not present issues not previously settled by the Commission and do not require a hearing.

(e) With respect to the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, et seq.):

(1) Pursuant to section 203(c) of the Act (15 U.S.C. 80b–3(c)): To authorize the issuance of orders granting registration of investment advisers within 45 days of the filing of an application for registration as an investment adviser (or within such longer period as to which the applicant consents).

(2) Pursuant to section 203(h) of the Act (15 U.S.C. 80b–3(h)), to authorize the issuance of orders cancelling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence or are not engaged in business as investment advisers.

(f) To designate officers empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 209(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(b)), section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(b)), section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)) and section 8(e) of the Securities Act of 1933 (15 U.S.C. 77h(e)).

(g) In nonpublic investigatory proceedings within the responsibility of the Director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's Rules Relating to Investigations as in effect subsequent to November 16, 1972 (§ 203.6 of this Chapter).

(h) Notwithstanding anything in the foregoing:

(1) The Director of the Division of Investment Management shall have the curities Act of 1933 (15 U.S.C. 77a, et same authority with respect to the Seseq.), Regulation A (§ 230.251, et seq. of this Chapter), and Regulation F (§ 230.651, et. seq. of this Chapter), as

that delegated to each Regional Administrator in paragraphs (a), (b) and (d) of Article 30–6 of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (§ 200.30–6 of this Chapter).

(2) In any case in which the Director of the Division of Investment Management believes it appropriate, he may submit the matter to the Commission.

The Commission finds that the foregoing actions relate solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing actions, which were taken pursuant to Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), became effective on April 2, 1976 with respect to the name change and on May 3, 1976 with respect to the transfer of functions.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 22, 1976.

[FR Doc.76–20534 Filed 7–15–76;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 524—SPECIAL MINIMUM WAGES FOR HANDICAPPED WORKERS

In Competitive Employment; Corrections

The Fair Labor Standards Act of 1938, as amended in 1974 by Pub. L. 93–259, changed section 14(d) of the Act to section 14(c).

Section 524.1 of Part 524 has three references to section 14(d) and § 524.12 has one such reference which, in view of the above mentioned change in the law, are hereby changed to section 14(c).

Since these revisions make no substantive changes in the regulations which would affect those persons or organizations subject to the regulations, these revisions shall be effective July 16, 1976.

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

RONALD J. JAMES,
Administrator,
Wage and Hour Division.

[FR Doc.76–20627 Filed 7–15–76;8:45 am]

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

COMPREHENSIVE MANPOWER PROGRAM AND GRANTS TO HIGH UNEMPLOYMENT

Miscellaneous Amendments; Correction

In FR Doc. 76–18414, appearing at page 26334 in the issue of Friday, June 25, 1976, make the following changes:

1. On page 26358, in the third column, in § 95.37 Training for lower wage industries; relocation of industries., paragraph (a), delete the entire second sentence;

2. On page 26367, in the second column, in § 96.24 Maintenance of effort., final paragraph, change the lettering of the final paragraph from (i) to (j).

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

WILLIAM H. KOLBERG,
Assistant Secretary for
Employment and Training.

[FR Doc.76–20304 Filed 7–15–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3–76–14]

PART 127—SECURITY ZONES

Establishment of Security Zone, Penns Landing, Delaware River, Philadelphia, Pennsylvania

Notice is hereby given that K. G. Wiman, Captain, United States Coast Guard, Captain of the Port, Philadelphia, Pa., has issued the following order establishing a Security Zone at Penns Landing, Delaware River, Philadelphia, Pennsylvania: "This amendment to the Coast Guard's Security Zone Regulations, establishes the West German Destroyer *Hessen* and the navigable waters within 50 yards thereof as a security zone. This security zone is established in conjunction with the West German Chancellor's visit aboard the West German Destroyer *Hessen*.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.348, to read as follows:

§ 127.348 Penns Landing, Delaware River, Philadelphia, Pennsylvania.

The waters within the following boundary is a security zone. The area within 50 yards of the West German Destroyer *Hessen*.

(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 11:30 a.m. July 17, 1976 to 1:30 p.m. July 17, 1976.

Dated: July 13, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.76–20788 Filed 7–15–76;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 255—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments and Corrections

This document makes a number of editorial changes and corrections to the regulations concerning the responsibilities and conduct of employees of the Panama Canal agencies. The grade level above which employees must obtain permission for outside employment is raised from NM–4 to NM–6 and several additional positions are added to the lists of employees required to file financial statements.

§ 255.735–32 [Amended]

1. In 35 CFR 255.735–32, paragraph (c) is amended by changing the name "Central Employment Office" to read "Central Examining Office."

2. Also in 35 CFR 255.735–32, paragraph (f) is amended by changing the phrase "grades NM–4 and above or M–11 and above" to read "grades NM–6 and above or MG–10 and above."

§ 255.735–33 [Amended]

3. In 35 CFR 255.735–33, the fifth word in the penultimate line of paragraph (b) is corrected to read "law" instead of "low."

§ 255.735–40 [Amended]

4. In 35 CFR 255.735–40, paragraph (s) is corrected by inserting a final parenthesis before the period at the end of this paragraph.

§ 255.735–41 [Amended]

5. In 35 CFR 255.735–41, paragraph (b)(3) is corrected by enclosing in parentheses the numeral used to identify this paragraph.

§ 255.735–52 [Amended]

6. In 35 CFR 255.735–52, the reference to "§ 255.735–2(c)" is corrected to read "§ 255.735–32(c)."

§ 255.735–72 [Amended]

7. In 35 CFR 255.735–72, the list of employees required to submit statements of employment and financial interests pursuant to paragraph (a) is revised to read as follows:

Lieutenant Governor.
Secretary, Panama Canal Company.
Financial Vice President.
Assistant Financial Vice President.
Chief, Claims Branch.
Chief, Rates and Analysis Branch.
Executive Secretary.
Deputy Executive Secretary.
General Counsel.
Deputy General Counsel.
Director, Executive Planning Staff.
Deputy Director, Executive Planning Staff.
Marine Director.
Deputy Marine Director.

Chairman, Board of Local Inspectors.
Port Captains.
Director, Admeasurement.
Chief Admeasurer, Balboa.
Chief, Transit Operations Division.
Transportation and Terminals Director.
Deputy Transportation and Terminals Director.
General Manager, Terminals Division.
Superintendent, Motor Transportation Division.
Assistant Superintendent, Motor Transportation Division.
Engineering and Construction Director.
Deputy Engineering and Construction Director.
Chief, Construction Division.
Chief, Industrial Division.
Chief, Engineering Division.
Assistant Chief, Engineering Division.
Chief, Specifications and Estimating Branch.
Supply and Community Service Director.
Deputy Supply and Community Service Director.
Chief, Community Services Division.
General Manager, Supply Division.
Assistant to General Manager, Supply Division.
General Merchandise Manager.
Superintendent, Marketing Branch.
Chief, Division of Storehouses.
Chief, Procurement Division.
Chief, Division of Veterinary Medicine.

8. Also in 35 CFR 255.735–72, the list of employees required to submit statements of employment and financial interests pursuant to paragraph (b) is revised to read as follows:

Personnel Director.
Deputy Personnel Director.
Chief, Personnel Operations Division.
Civil Affairs Director.
Deputy Civil Affairs Director.
Chief, Customs Division.
Chief, Police Division.
Chief, Internal Security Office.
Panama Canal Information Officer.
Health Director.

Effective date: These amendments are effective June 7, 1976.

(2 C.Z.C. 101, 121, 76A Stat. 14–15; E.O. 11222 of May 8, 1965; 5 CFR 735.104)

Dated: June 7, 1976.

H. R. PARFITT,
Governor of the Canal Zone, President, Panama Canal Company.

[FR Doc.76-20456 Filed 7-14-76;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 292—NATIONAL RECREATION AREAS

Subpart C—Sawtooth National Recreation Area—Private Lands

PRIVATE LAND USE CATEGORY RECLASSIFICATION

Section 4(a) of the Act of August 22, 1972 (86 Stat. 613), provides that the Secretary of Agriculture shall make and publish regulations setting standards for the use, subdivision and development of privately owned property within the boundaries of the Sawtooth National Recreation Area, Idaho. This private lands regulation was published in the FEDERAL REGISTER on March 29, 1974 (39 FR 11544).

Proposed amendment to the Land Use Category Map, dated December 15, 1973, included by reference in § 292.15(a) of the private lands regulation, was published in the FEDERAL REGISTER on April 26, 1976 (41 FR 17397).

Interested persons were given the opportunity to participate in the rulemaking through the submission of comments. No comments regarding the proposed private land use category reclassification were received.

The adopted amendment makes the following changes in land use categories within the Sawtooth National Recreation Area:

SAWTOOTH CITY DESIGNATED COMMUNITY

1. Smiley Creek Subdivision No. 5: Exclude lots C–1, C–2, C–3, C–4, C–5, C–6, C–7, and C–8 from Designated Community category and reclassify to Agriculture—5.78 acres.

2. Smiley Creek Subdivision No. 2: Exclude lots 2, 3, 4, 12, and 31 from Designated Community category and reclassify to Agriculture—2.28 acres.

3. Airport Subdivision: Exclude total subdivision from Designated Community category and reclassify to Agriculture—7.169 acres.

4. Sawtooth City Airport: Exclude in entirety from Designated Community category and reclassify to Commercial—40.00 acres.

5. Justus Properties: Exclude in entirety from Designated Community category and reclassify to Residential—80.00 acres.

Total removed from Designated Community category and reclassified—135.229 acres.

LOWER STANLEY DESIGNATED COMMUNITY

1. Gateway Subdivision: Add lots 1, 2, 3, 4, and Gateway Village (Block 2); lots 3, 4, 5, 6, and 7 (Block 3) and lots 2, 3, and 7 (Block 1) to the Designated Community classification. All are presently classified as Commercial (outside)—6.33 acres.

2. Add that portion of the Farrell property which is presently classified as Commercial (outside) to the Designated Community classification—2.00 acres.

Total added to Designated Community classification—8.33 acres.

These changes correspond to those listed in the Development Plans for Sawtooth City and Lower Stanley. These Plans are on file and available for public inspection in the office of the Area Ranger, Sawtooth National Recreation Area, Ketchum, Idaho.

The boundary changes in the Sawtooth City Designated Community are deemed necessary for the following reasons. The removal of the residential lots adjacent to U.S. Highway 93 from the Designated Community category and reclassification to Agriculture will prevent intrusion upon the pastoral scene, preserve esthetic qualities, and eliminate traffic safety hazards. The Sawtooth City airport is being reclassified to Commercial category, and will continue to be operated in support of the purposes for which the Sawtooth National Recreation Area was established. The removal of 80 acres from the Designated Community category and reclassification to Residential will allow controlled development compatible with the interests of both Sawtooth City and the standards established for the Sawtooth National Recreation Area.

The boundary changes for the Lower Stanley Designated Community will add 8.33 acres presently classified as Commercial (outside) to the Designated Community category. This will permit Lower Stanley to assist in the control of development and use of those properties so that impacts of ultimate development will be within acceptable limits (for the protection of scenic, recreational, natural, historic pastoral, and fish and wildlife values of the area), while providing essential community services.

Therefore, § 292.15(a) is amended to read as follows:

§ 292.15 General provisions—procedures.

(a) *Classification of Private Property.*—For the purpose of establishing specific standards aplicable to the several parcels of private land within the boundaries, such properties are classified and assigned to land use categories as shown on the Land Use Category Map, dated December 15, 1973, as amended July 16, 1976, on file and available for public inspection in the office of the Area Ranger, Sawtooth National Recreation Area, Ketchum, Idaho. The classification of private properties is based on evaluation of scenic, natural, historic, pastoral, wildlife, and other values.

(Sec. 4(a), Act of August 22, 1972 (86 Stat. 613).)

ROBERT W. LONG,
Assistant Secretary.

JULY 13, 1976.

[FR Doc.76-20525 Filed 7-15-76;8:45 am]

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

PART 56b—GRANTS FOR REGIONAL MEDICAL PROGRAMS

Interim Rule

Correction

In FR Doc.76–18783, appearing at page 26906 in the issue of Wednesday, June 30, 1976, make the following corrections:

1. On page 26908, in the first column, change the effective date, which appears in both the second and third paragraph, from "July 30, 1976" to "June 30, 1976".

2. Also on page 26908, in the first column, insert the word "those" between the words "under" and "grants", in the next to the last line of the second paragraph.

3. Change the last name of the signature from "Copper" to "Cooper".

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Grants for Health Manpower Education Initiative Projects

In the FEDERAL REGISTER of April 30, 1975 (40 FR 18790), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 by adding a new Subpart AA to implement section 774(a) of the Public Health Service Act (42 U.S.C. 295f–4(a)). That section authorizes the Secretary of Health, Education, and Welfare to award grants to public or nonprofit private health or educational entities for projects to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system.

Interested persons were afforded the opportunity to participate in the rulemaking through submission of comments on or before May 30, 1975. The following is a summary of the comments received and the response to such comments:

1. Several comments concerned the designation of health personnel shortage areas as defined in § 57.2602(h) of the proposed regulations. One of these comments recommended that the Department develop a single set of criteria for designating shortage areas which could be applied to all relevant programs. The Department recognizes the need for such a set of criteria and is currently in the process of developing one.

As an interim measure, however, the criteria for designating shortage areas for purposes of section 774(a) of the Act are consistent with the criteria which have been prescribed for designating shortage areas under sections 741(f) and 836(h) (formerly section 823(h)) of the Public Health Service Act for purposes of the health professions and nursing student loan repayment programs. (Such criteria are set forth in the regulations implementing these programs at 42 CFR 57.216(a)(5) and 57.316(b)(5).) Furthermore, inasmuch as the criteria for health personnel shortage areas are consistent with the criteria for shortage areas under section 741(f) of the Act, for purposes of projects under this subpart, the Department will generally be using with respect to health professions practitioners the shortage areas designated under section 741(f) of the Act and areas designated under section 329(b) of the Act as having critical health manpower shortages for purposes of assigning National Health Service Corps personnel to such areas. With respect to nurses and other health personnel, the Department will make a separate determination of shortage areas based upon the criteria specified in the regulations.

Another comment requested a fuller explanation of the criteria included in the proposed rulemaking for designating health personnel shortage areas. The first criterion—"the latest reliable statistical data available to (the Secretary) regarding numbers of health personnel and the population to be served by such personnel"—refers to data concerning current health manpower needs relative to population as obtained from the U.S. Bureau of the Census, State health authorities, health planning groups, and professional associations. "Inaccessibility of medical services," the second criterion, is based upon such factors as transportation difficulty, travel times, and the ability of existing health resources to meet the area's demands. The third criterion—"particular local health problems"—pertains to the health problems peculiar to a specific geographic area due to socio-economic, demographic, and environmental factors of life in such area. Section 57.2602(j) of the final regulations has been revised to include these clarifications. The same commentator asked for a clarification of the types of geographic units which would constitute health personnel shortage areas. Such areas, like those areas designated under sections 741(f) and 329(b) of the Act, include counties, urban inner city areas, communities, and other appropriate geographic-political units.

The final comment concerning the designation of health personnel shortage areas suggested that the procedure for designating areas include the acquisition of health manpower data from the States. As pointed out above, the statistical data which the Secretary utilizes in designating shortage areas includes current health manpower data obtained from the States. Furthermore, areas which were designated under sections 741(f) and 329(b) of the Act and which will be used for purposes of health manpower education initiative projects with respect to health professions practitioners were designated as shortage areas after consultation with State health authorities. (See regulations implementing these programs at 42 CFR 57.216(a)(5) and 23.4.)

2. One comment concerned § 57.2606(b) of the proposed regulations which provided for funding priority to be given to certain projects in fiscal year 1975. The comment suggested including training for laboratory practitioners in the training programs eligible for such priority. While the provision in question applied only to the fiscal year ending June 30, 1975, and has therefore been deleted from the final regulations, it should be pointed out that projects involving the training of laboratory practitioners may be supported under section 774(a) of the Act. The term "health personnel" as used in the statute and regulations includes persons trained in the health professions, nurses, and auxiliary personnel. A definition of "health personnel" has been added to the final regulations (see § 57.2602(h)) which is intended to provide examples, rather than an exhaustive list, of such auxiliary personnel for purposes of participation in health manpower education initiative projects.

3. One comment suggested that proposed projects for training programs for health professions students and students in physician extender programs in health personnel shortage areas designed to improve distribution by geographic area or specialty should be evaluated in terms of the probable effect of such a training program on the overall health care resources of the community in which it is located lest such a program impose further burdens on both physicians and the public in an area already deficient in health care services. Although this suggestion was made in connection with the type of project to be accorded funding priority in fiscal year 1975 under proposed § 57.2606(b)(1), it has general applicability to projects which can be supported under section 774(a)(1)(A) of the Act and § 57.2601(a) of the regulations. The Department agrees that this factor should be considered and has therefore revised § 57.2606 of the proposed regulations pertaining to evaluation and grant awards to provide that with respect to applications for projects to carry out the purposes of section 774(a)(1)(A) of the Act and § 57.2601(a) of the regulations, the Secretary will take into consideration the potential effect of the proposed project on the overall health care resources of the area in which it will be conducted. (See § 57.2606(a)(5).)

The same comment went on to suggest that consideration be given to limiting the conduct of training programs to established institutions where appropriate physical, clinical, and faculty resources already exist. While the regulations do not require projects to conduct their training programs in established institutions (since such a requirement potentially could preclude support for some innovative and meritorious proposals), they provide that applications must contain "evidence satisfactory to the Secretary that the applicant will have available adequate qualified faculty, staff, equipment, and facility resources, including an appropriate setting or settings for the conduct of any proposed program." (See § 57.2605(h).)

In addition to the above changes, the proposed regulations have been revised as follows:

1. As mentioned above, § 57.2606(b) of the proposed regulations pertaining to the funding priority for fiscal year 1975 has been deleted from the final regulations. It is anticipated that from time to time the Secretary may decide that certain types of projects authorized by section 774(a) of the Act should be given funding priority, based upon his determination of prevailing national health manpower needs. Accordingly, § 57.2606(a)(3) of the proposed regulations, which provides that the Secretary in awarding grants will take into consideration the local and national needs which the particular project proposes to serve, has been revised to provide further that such national needs may be determined periodically by the Secretary and published in the FEDERAL REGISTER.

2. The definition of "health personnel shortage areas" in § 57.2602(h) of the proposed regulations has been revised by replacing the terms "persons trained in

the health professions" and "health professions practitioners" with the term "health personnel," which is the term used in the statute and which clarifies that not only persons trained in the health professions but also persons trained in nursing and related health fields (such as physicians' assistants, dental therapists, dietitians, and pediatric nurse practitioners) are included. (The definition has been renumbered § 57.2602(j) in the final regulations.) In addition, definitions of "health personnel" and "persons trained in the health professions" have been added to the regulations. (See § 57.2602 (h) and (i) of the final regulations.)

3. Section 57.2606(c) of the proposed regulations required grantees to share in the cost of projects supported under section 774(a) of the Act at the minimum rate of 10 percent of the total project costs for the first year of a project, 25 percent of such costs for the second year of such project, and 40 percent for such costs for the last year of such project. The Department, however, has reconsidered the merit of this proposed requirement and has concluded that in some cases it could prove unduly onerous and have the effect of discouraging innovative proposals from projects. Therefore, the Department has decided to require instead that for each year of a project supported under this program the grantee bear a minimum of ten percent of the total costs of the project. Financial participation by grantees above the required level is encouraged, however, and the Secretary in awarding grants will take into consideration "the soundness of the (project's) fiscal plan for assuring effective utilization of grant funds and the potential of the project to continue on a self-sustaining basis." (See § 57.2606(a)(7) of the regulations (§ 57.2606(a)(6) of the proposed regulations).)

4. Section 57.2608 of the proposed regulations has been revised to prohibit recipients of grant funds under section 774(a) of the Act from using such funds for religious purposes. In addition, § 57.2609 of the proposed regulations, "Nondiscrimination," has been revised to include a provision prohibiting grantees from discriminating on the basis of religion in the admission of individuals to their training programs.

5. Section 57.2610 of the proposed regulations, "Inventions or discoveries," has been deleted from the final regulations inasmuch as the relevant requirements are contained in 45 CFR Part 74, Subpart O, which is applicable to grants made under this subpart by virtue of § 57.2612 of the regulations (§ 57.2613 of the proposed regulations). The subsequent sections of the regulations have been renumbered. In addition, the portion of § 57.2612(b) of the proposed regulations dealing with accounting for copyright royalties by other than State and local governments has been revised to bring that section into conformity with current PHS policy. (See § 57.2611(b) of the final regulations.)

6. Several minor changes of an editorial or technical nature have also been made in the regulations as proposed.

Accordingly, a new Subpart AA is added to 42 CFR Part 57 and is adopted as set forth below.

Effective date: These regulations are effective on July 16, 1976.

Dated: June 16, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: July 7, 1976.

DAVID MATHEWS,
Secretary.

Subpart AA—Grants for Health Manpower Education Initiative Projects

Sec.
57.2601 Applicability.
57.2602 Definitions.
57.2603 Eligibility.
57.2604 Application.
57.2605 Project requirements.
57.2606 Evaluation and grant awards.
57.2607 Grant payments.
57.2608 Expenditure of grant funds.
57.2609 Nondiscrimination.
57.2610 Publications and copyright.
57.2611 Grantee accountability.
57.2612 Applicability of 45 CFR Part 74.
57.2613 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 774(a), as amended, 85 Stat. 446, (42 U.S.C. 295f-4(a)).

§ 57.2601 Applicability.

The regulations of this subpart are applicable to the award of grants to public or nonprofit private health or educational entities under section 774(a) of the Public Health Service Act to assist in meeting the costs of projects to:

(a) Encourage the establishment or maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary as health personnel shortage areas through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by geographic area or by specialty group;

(b) Provide training programs leading to more efficient utilization of health personnel;

(c) Initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physicians' assistants, dental therapists, and pediatric nurse practitioners);

(d) Encourage new or more effective approaches to the organization and delivery of health services (including emergency medical services) through training individuals in the use of the team approach to delivery of health services (including emergency medical services) and otherwise;

(e) Assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out any of the above purposes; or

(f) Provide for (1) the discovery, collection, development or confirmation of information for, (2) the planning, development, demonstration, establishment, or maintenance of, or (3) the alteration or renovation of existing facilities for, any of the purposes described above.

§ 57.2602 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Health Professions Education (established by section 725 of the Act).

(d) "Budget period" means the interval of time into which the project period is divided for budgetary purposes, as specified in the grant award document.

(e) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(f) "Health or educational entity" means a public agency or organization or a private nonprofit organization which has the provision of health or educational programs as one of its major functions.

(g) "Nonprofit" as applied to any health or educational entity means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

(h) "Health personnel" means persons trained in the health professions, nursing, and related fields (including but not limited to physicians' assistants, dental therapists, dietitians, and pediatric nurse practitioners).

(i) "Persons trained in the health professions" means persons who have received a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree.

(j) "Health personnel shortage areas" means areas designated by the Secretary as having a need for and shortage of health personnel, based upon consideration of, among other pertinent factors: (1) The latest reliable statistical data available to him regarding numbers of health personnel and the population to be served by such personnel; (2) inaccessibility of medical services to the residents of the area, based upon such factors as transportation difficulty, travel times, and the ability of existing health resources to meet area demands; and (3) particular local health problems, based upon socio-economic, demographic, environmental, and other such factors affecting the area.

§ 57.2603 Eligibility.

To be eligible for a grant under this subpart an applicant shall:

(a) Be a public or nonprofit private health or educational entity; and

(b) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.2604 Application.

Each eligible health or educational entity desiring a grant award under this subpart shall submit an application in such form and at such time as the Secretary may prescribe.[1] The application shall contain a full description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and the terms and conditions of any award.

§ 57.2605 Project requirements.

To be considered for approval under this subpart, an application shall, at a minimum, meet each of the following requirements:

(a) Propose a project to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system by promoting one or more of the purposes specified in section 774(a) of the Act.

(b) Provide evidence (including, as appropriate, supporting statistical data) satisfactory to the Secretary of the need for the particular type of project proposed.

(c) Describe the current efforts being made in the geographical area of the proposed project to meet the need set forth in paragraph (b) of this section, including the applicant's own efforts to meet such need.

(d) Set forth measurable objectives for the proposed project which are consistent with the purposes of section 774 (a) of the Act, including specific objectives for alleviating health manpower shortages, improving distribution of health personnel by area or specialty group, and promoting interdisciplinary team training.

(e) Provide a detailed plan for achieving the stated objectives of the proposed project.

(f) Describe the collaborative arrangements if any, required for the conduct of the project, indicating whether such arrangements have been accomplished or are proposed as an objective of the project.

(g) With respect to any proposed training program, provide evidence satisfactory to the Secretary that, where such exist, the proposed program meets relevant standards and guidelines established by appropriate:

(1) Accrediting bodies recognized by the Commissioner of Education, or

(2) Federal or State agencies, or

(3) Professional associations; unless the Secretary determines, for demonstration purposes, that the requirement of this paragraph should be waived on an application by application basis.

(h) Provide evidence satisfactory to the Secretary that the applicant will have available adequate qualified faculty, staff, equipment, and facility resources, including an appropriate setting or settings for the clinical experience required for the conduct of any proposed program.

(i) Describe a methodology for evaluating the proposed project in relation to the stated objectives, both general and specific.

(j) Provide a detailed budget for the proposed project, including the applicant's share of the costs.

(k) Describe the existing financial resources available to the applicant to assure the sound establishment and continued maintenance of the proposed project.

(l) Describe the extent to which the applicant has sought or obtained funds available under other Federal programs and from non-Federal sources for the conduct of the proposed project.

(m) Provide a timetable for carrying out the activities of the proposed project, including a plan for continuing them beyond the project period.

§ 57.2606 Evaluation and grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 774(a) of the Act, taking into consideration, among other pertinent factors:

(1) The degree to which the project plan adequately provides for the elements set forth in § 57.2605.

(2) The potential effectiveness of the proposed project in carrying out such purposes.

(3) The local and national needs which the particular project proposes to serve. Such national needs may be determined periodically by the Secretary and published in the FEDERAL REGISTER.

(4) The quality of the staff and faculty which the proposed project will have available for providing any training program.

(5) With respect to projects to carry out the purposes of section 774(a)(1)(A) of the Act and § 57.2601(a), the potential effect of the proposed project on the overall health care resources of the area in which it will be conducted.

(6) The administrative and managerial capability of the applicant to carry out the proposed project.

(7) The soundness of the fiscal plan for assuring effective utilization of grant funds and the potential of the project to continue on a self-sustaining basis.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the direct costs of the project, plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the actual indirect costs. Such award may include an estimated provisional amount for indirect costs or designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary; *Provided*, That such amount may not exceed 90 percent of the total cost of the project.

(c) All grants shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee. The maximum period for which a project may receive grant support under this subpart shall be three years.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make an additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application at such times and in such form as the Secretary may dictate.

§ 57.2607 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the grant period or in advance for expenses to be incurred in the grant period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project.

§ 57.2608 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 774(a) of the Act, the regulations of this subpart, the terms and conditions of the award, and the cost principles prescribed by Subpart Q of 45 CFR Part 74; *Provided*, That such funds shall not be expended for sectarian instruction or for any religious purpose.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during a subsequent budget period of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobli-

[1] Applications and instructions may be obtained from the Special Programs Staff, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, 9000 Rockville Pike, Bethesda, Maryland 20014.

gated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 57.2609 Nondiscrimination.

(a) Attention is called to the requirements of section 799A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VII of the Act to, or for the benefit of, any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, (42 U.S.C. 2000d et seq.)) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(e) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

(f) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.2610 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government, as those terms are defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirements set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 57.2611 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including income earned from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, patent royalties shall be accounted for as provided in paragraph (b)(2)(i) of this section and copyright royalties shall be accounted for as provided in paragraph (b)(2)(ii) of this section.

(i) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) (A) When the costs of publishing or producing the copyrighted work are charged directly to either the Federal or the grantee share of the project costs, copyright royalties up to the amount so charged (*1*) If received by the grantee during the grant period, shall be deducted from the total project costs for determining the net costs on which the Federal share of costs will be based, or (2) If received by the grantee after the project period, the Federal share of such royalties (computed on the same ratio basis as the Federal share of the net project costs) shall be paid over to the Federal government.

(B) When the costs of publishing or producing the copyrighted work are not charged directly to the project, or when royalties are in excess of publication or production costs charged directly to the project, copyright royalties (*1*) If received by the grantee during the grant period, except as may otherwise be provided under the terms and conditions of the award, shall be used by the grantee for any purpose that furthers the objectives of section 774(a) of the Act or deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based, or (2) If received by the grantee after the grant period, may be retained by the grantee without accountability to the Federal government.

(c) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) Any amount not accounted for pursuant to paragraphs (a) and (b) of this section; and (ii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.2612 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

Subpart	
A	General
B	Cash Depositories
C	Bonding and Insurance
D	Retention and Custodial Requirements for Records
F	Grant Related Income
G	Matching and Cost Sharing
K	Grant Payment Requirements
L	Budget Revision Procedures
M	Grant Closeout, Suspension, and Termination
O	Property
Q	Cost Principles

§ 57.2613 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interest of the public health, or the conservation of grant funds.

[FR Doc.76-20464 Filed 7-15-76;8:45 am]

Title 45—Public Welfare

CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PART 1160—INDEMNITIES UNDER THE ARTS AND ARTIFACTS INDEMNITY ACT

Requirements

On April 19, 1976 the FEDERAL REGISTER (41 FR 16480) contained a notice of proposed regulations that the Chairman, 1976, Federal Council on the Arts and the Humanities and the Commissioner, U.S. Office of Education proposed to amend Chapter XI of Title 45 Code of Federal Regulations by adding Subchapter C—Federal Council on the Arts and the Humanities consisting of Part 1160.

Interested parties were given until May 20, 1976 to submit written comment pertaining to the proposal. The comments filed in response to such notice have been carefully considered.

Many of the comments were for the purpose of clarifying the wording of the proposed regulations but raised no substantive issues.

The following were considered before adoption of the final regulations.

1. Two comments suggested that the Purpose and Scope of the regulations, Section 1160.1, be expanded to make it clear what items were to be eligible for indemnification under the Act.

The new Section 1160.1 states what are eligible items that may be included under an indemnity agreement.

2. One comment stated that the word "regulations" in the last sentence of Section 1160.1 should be changed unless the intent was to promulgate regulations in accordance with the Administrative Procedures Act.

The word "regulations" was deleted and replaced with the word "clarifications" which expresses the intent occasionally to publish circulars or other material explaining the Act.

3. One comment suggested the addition of a cross-reference at the end of the definition of the word "Council" in paragraph 1160.3(a) for added clarity.

This suggestion was adopted.

4. One comment suggested that in Section 1160.3 a definition of "Lender" be included to avoid confusion with the word "owner".

A definition of the word "Lender" was added as paragraph 1160.3(e). This inclusion requires the relettering of paragraphs (e) through (i).

5. One comment suggested that in paragraph 1160.3(f) the definition of "Exhibition" be clarified by stating that a public display at one or more locations is within the definition.

This suggestion was adopted to include traveling displays at several museums.

6. One comment suggested the substitution of the word "lender" in place of the word "owner" in line four of paragraph 1160.3(g).

The use of "lender" will broaden the scope of the regulation as discussed in paragraph 4 above.

7. One comment suggested that the definition of "On exhibition" in paragraph 1160.3(g) be clarified by changing the end of the "on exhibition" period from the date the item is returned to the place designated by the owner to a termination date. The term "termination date" is defined in a new paragraph 1160.3(k).

This suggestion was adopted.

8. One comment stated that paragraph 1160.3(i) was not clear because as written the term "indemnitee" includes "indemnitor" within the definition.

This was corrected by adding the words "to whom the promise of indemnification is made" at the end of the proposed definition.

9. One comment suggested that the definition of "Lender" in the new paragraph 1160.3(e) be substituted for the words "owner and present possessor" in paragraph 1160.4(b).

No advantage was noted in such a change.

10. One comment suggested that the Application for Indemnification delete part of the information required by paragraph 1160.4(h) concerning damage exceeding $15,000.00 to items loaned by the applicant, and only require information concerning damage to items borrowed by the applicant.

This position was not accepted. Damage might occur as a result of packing done by the applicant. Such information would be relevant to the Federal Council and is retained on the application form.

11. One comment suggested that in paragraph 1160.4(h) the applicant should also include details of loss exceeding $15,000 to items in their permanent collections.

This information is relevant and the suggestion is adopted.

12. One comment suggested that the words "educational, cultural, historical or scientific" be inserted before the words "national interest" in line three of Section 1160.5.

These words are not included because these factors are considered by the Federal Council in considering each Application for Indemnification. Inclusion in this section might be construed as a limitation upon the factors the Secretary of State or his designee might consider in determining which applications are in the national interest.

13. One comment suggested that Section 1160.5 be reworded for clarity. This was done.

14. One comment suggested that the word "may" be substituted for the word "will" in line seven of Section 1160.6.

Because of the need for the Federal Council to have flexibility and discretion in accepting or rejecting applications this suggestion was adopted. Otherwise, the regulations would appear to create a right to receive an indemnity upon a showing to the Federal Council that all the requirements have been met.

15. One comment suggested that to be consistent with the definition "termination date" added as the new paragraph 1160.3(k) that the last sentence of paragraph 1160.8(a) be reworded to require reporting and filing Proof of Loss sixty (60) days after the termination date.

This suggestion was adopted.

16. One comment suggested that in the second line of paragraph 1160.8(c) the word "and" be substituted for the word "or" between the words "damage" and "reduction".

"Partial loss or damage" may result in reduction in the fair market value even after repairs. This reduction is what determines the amount of a claim for indemnification. This suggestion was adopted.

17. One comment stated that paragraph 1160.8(d) was superfluous and should be deleted because indemnification limits were specified in Section 1160.11.

No action was taken because the cross-reference was thought to be useful.

18. One comment suggested rearranging the wording in paragraph 1160.10(a)(1) by moving the second clause in the second sentence to the end of the first sentence.

This was adopted for the sake of clarity.

19. One comment suggested that in paragraph 1160.10(b), line eight, the word "or" be inserted between the words "damaged" and "repair". It appears to have been omitted. In line eight substitute "and" for "or" between the words "costs" and "where". Substitute the word "and" for "or" in line 12 between the words "costs" and "fair".

The latter two changes were accepted by the same reasoning as in paragraph 16. The first change corrected an omission.

20. One comment suggested that the word "for" be substituted for the word "by" in the second line of paragraph 1160.11(a).

This was adopted for clarity.

21. One comment suggested that the word "generally" be deleted from the fifth line of paragraph 1160.11(d).

This was done to eliminate vagueness.

22. One comment suggested the deletion of Appendix I, Indemnity Agreement, and Appendix II, Letter of Intent. It was questioned whether these should be part of the regulations.

Deletion of these Appendices allows more flexibility to the Federal Council in drafting both Indemnity Agreements and Letters of Intent while this program is in its formative stages. This determination is subject to review at a later date.

References to Appendices I and II were deleted from the Table of Sections and from paragraph 1160.3(i) and Section 1160.6.

Accordingly, with these changes and additions, the proposed regulations are adopted as set forth below.

Effective date: This part becomes effective on July 16, 1976 without the normal 30 day delay to allow pending applications to be processed.

RONALD BERMAN,
Acting Chairman, Federal Council on the Arts and the Humanities.

Sec.
1160.1 Purpose and scope.
1160.2 Federal Council on the Arts and the Humanities.
1160.3 Definitions.
1160.4 Application for indemnification.
1160.5 Certificate of national interest.
1160.6 Indemnity agreement.
1160.7 Letter of intent.
1160.8 Loss adjustment.
1160.9 Certification of claim and amount of loss to the Congress.
1160.10 Arbitration and appraisal.
1160.11 Indemnification limits.

§ 1160.1 Purpose and scope.

This part sets forth the exhibition indemnity procedures of the Federal Council on the Arts and the Humanities under the Arts and Artifacts Indemnity Act (Pub. L. 94–158) as required by Section 2(a)(2) of the Act. An indemnity agreement made under these regulations shall cover either: (1) eligible items from the United States while on exhibition elsewhere when they are part of an exchange of exhibitions, or (2) eligible items from abroad while on exhibition in the United States, whether or not they are part of an exchange of exhibitions, but in no case shall both parts of such an exchange of exhibitions be covered. Internal guidance for staff of the Federal Council on the Arts and the Humanities and clarifications of the Act and of these regulations are contained or will be contained in circulars of the National Foundation on the Arts and the Humanities.

§ 1160.2 Federal Council on the Arts and the Humanities.

In accordance with the directive contained in the President's statement upon approving the legislation on December 20, 1975, the Federal Council on the Arts and the Humanities, for the purposes of this part (45 CFR 1160), shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Director of the National Science Foundation, the Librarian of Congress, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior.

§ 1160.3 Definitions.

For the purposes of this part:

(a) "Council" means the Federal Council on the Arts and the Humanities as defined in section 1160.2.

(b) "Endowment" means either the National Endowment for the Arts or the National Endowment for the Humanities.

(c) "Foundation" means the National Foundation on the Arts and the Humanities.

(d) "Letter of Intent" means an agreement by the Council to provide an indemnity covering a future exhibition subject to compliance with all requirements at the date the indemnity is to be effective.

(e) "Lender" means the owner and any person or organization authorized by him to act with respect to the object and exhibition involved.

(f) "Eligible item" means an object which qualifies for coverage under the Arts and Artifacts Indemnity Act.

(g) "Exhibition" means a public display of an indemnified item(s) at one or more locations, as approved by the Council, presented by any person, nonprofit agency, institution, or Government, in the United States or elsewhere.

(h) "On Exhibition" means the period of time beginning on the date an indemnified item leaves the place designated by the lender and ending on the termination date.

(i) "Indemnity Agreement" means the contract between the Council and the indemnitee covering loss or damage to indemnified items under the authority of the Arts and Artifacts Indemnity Act.

(j) "Indemnitee" means the party or parties to an indemnity agreement issued by the Council, to whom the promise of indemnification is made.

(k) "Termination date" means the date 30 days after the date specified in the application by which an indemnified item is to be returned to the place designated by the lender or the date on which the item is actually so returned, whichever date is earlier. (In museum terms this means wall-to-wall coverage.) After 11:59 p.m. on the termination date, the item is no longer covered by the indemnity agreement unless an extension has theretofore been requested by the indemnitee and granted by the Council.

§ 1160.4 Application for indemnification.

An applicant for an indemnity shall submit an Application for Indemnification, addressed to the Federal Council on the Arts and the Humanities, National Foundation on the Arts and the Humanities, Washington, D.C. 20506, which shall describe as fully as possible at the time the application is submitted:

(a) The time, place, nature, and Project Director/Curator of the exhibition for which the indemnity is sought, which factors should be clearly and specifically delineated;

(b) Evidence that the owner and present possessor are willing to lend the eligible items, and both are prepared to be bound by the terms of the indemnity agreement;

(c) The total estimated value of all items to be indemnified, including a description of each item to be covered by the agreement and each item's estimated value;

(d) The source of valuations of each item, plus an overall appraisal by the indemnity applicant of the valuations established by others;

(e) The significance, and the educational, cultural, historical, or scientific value of the items as proposed to be exhibited and to be the subject of indemnification;

(f) Statements describing policies, procedures, techniques, and methods to be employed with respect to:

(1) Packing of items at the premises of, or the place designated by, the lender;

(2) Shipping arrangements;

(3) Condition reports at lender's location;

(4) Condition reports at borrower's location;

(5) Condition reports upon return of items to lender's location;

(6) Security during the exhibition and security during transportation, including escorts where applicable;

(7) Maximum values to be transported in a single instrumentality of transport;

(g) Insurance arrangements, if any, which are proposed to cover the first $15,000 deductible of loss or the excess over the amount indemnified;

(h) Any loss incurred by the indemnitee or other groups involved in the exhibition in question during the three years prior to the Application for Indemnification which involved a borrowed or loaned item(s) or item(s) in their permanent collections where the amount of loss exceeded $15,000. Details should include the date of loss, nature and cause of damage, and appraised value of the damaged item(s) both before and after loss;

(i) If the application is for an exhibition which will take place outside the United States, the applicant should set forth in detail the nature of the exchange of exhibitions of which it is a part, including all circumstances surrounding the exhibition being shown in the United States, with particular emphasis on facts concerning insurance or indemnity arrangements.

(j) Upon proper submission of the above required information an application will be selected or rejected for indemnification by the Council on the basis of (1) review of educational, cultural, historical or scientific value as required under the provisions of the Arts and Artifacts Indemnity Act; (2) certification by the Secretary of State or his designee that the exhibition is in the national interest; and (3) review of the availability of indemnity obligational authority under section 5(b) of the Arts and Artifacts Indemnity Act.

§ 1160.5 Certificate of national interest.

After preliminary review the application will be submitted to the Secretary of State or his designee for determination of national interest and issuance of a Certificate of National Interest in appropriate cases.

§ 1160.6 Indemnity agreement.

In cases where the requirements of §§ 1160.4 and 1160.5 have been met to the satisfaction of the Council, an Indemnity Agreement pledging the full faith and credit of the United States for the agreed value of the exhibition in question may be issued to the indemnitee by the Council, subject to the provisions of § 1160.7.

§ 1160.7 Letter of intent.

In cases where an exhibition proposed for indemnification is planned to commence on a date later than twelve (12) months subsequent to the submission of the application, the Council, upon approval of such a preliminary application, will provide a Letter of Intent stating that it will, subject to the conditions set forth therein, issue an Indemnity Agreement not later than ninety (90) days prior to commencement of the exhibition. In such cases, the Council will re-examine a final application during the twelve (12) month period prior to the date the exhibition is to commence, and shall, upon being satisfied that such conditions have been fulfilled, issue an Indemnity Agreement within the above specified time period.

§ 1160.8 Loss adjustment.

(a) In the event of loss or damage covered by an Indemnity Agreement, the indemnitee without delay shall file a Notice of Loss or Damage with the Council and shall exercise reasonable care in order to minimize the amount of loss. Within a reasonable time after a loss has been sustained, the claimant shall file a Proof of Loss or Damage on forms provided by the Council. Failure to report such loss or damage and to file such Proof of Loss within sixty (60) days after the termination date as defined in § 1160.3(k), shall invalidate any claim under the Indemnity Agreement.

(b) In the event of total loss or destruction of an indemnified item, indemnification will be made on the basis of the amount specified in the Indemnity Agreement.

(c) In the event of partial loss, or damage, and reduction in the fair market value, as a result thereof, to an indemnified item, indemnification will be made on the basis provided for in the Indemnity Agreement.

(d) No loss or damage claim will be paid in excess of the Indemnification Limits specified in § 1160.11.

§ 1160.9 Certification of claim and amount of loss to the Congress.

Upon receipt of a claim of total loss or a claim in which the Council is in agreement with respect to the amount of partial loss, or damage and reduction in fair market value as a result thereof, the Council shall certify the validity of the claim and the amount of such loss, or damage and reduction in fair market value as a result thereof, to the Speaker of the House of Representatives and the President pro tempore of the Senate.

§ 1160.10 Arbitration and appraisal.

(a) (1) In the event the Council and the indemnitee fail to agree on the amount of partial loss, or damage to, or any reduction in the fair market value as a result thereof, to the indemnified item(s), each shall select a competent appraiser(s) with evidence to be provided to show that the indemnitee's selection is satisfactory to the owner. The appraiser(s) selected by the Council and the indemnitee shall then select a competent and disinterested umpire.

(2) In the event the appraisers, within fifteen (15) days of their appointment, do not agree upon the selection of an umpire, either party may request that an umpire be selected by a federal district judge in the District of Columbia.

(b) After selection of an umpire, the appraisers shall assess the partial loss, or damage to, or where appropriate, any reduction in the fair market value of, the indemnified item(s). The appraisers' agreement with respect to these issues shall determine the dollar value of such loss or damage or repair costs, and where appropriate, such reduction in the fair market value. Disputes between the appraisers with respect to partial loss, damage repair costs, and fair market value reduction of any item shall be submitted to the umpire for determination. The appraisers' agreement or the umpire's determination shall be final and binding on the parties, and agreement on amount or such determination on amount shall be certified to the Speaker of the House and the President pro tempore of the Senate by the Council.

(c) Each appraiser shall be paid by the party selecting him or her. The umpire and all other expenses of the appraisal shall be paid by the parties in equal shares.

§ 1160.11 Indemnification limits.

(a) The maximum loss or damage covered by a single exhibition or an Indemnity Agreement shall be $50,000,000.

(b) A deductible amount of $15,000 is applicable to loss or damage arising out of a single exhibition for which an indemnity is issued.

(c) The aggregate amount of loss or damage covered by indemnity agreements at any one time shall not exceed $250,000,000.

(d) The maximum value of eligible items carried in or upon any single instrumentality of transportation at any one time, unless expressly permitted by the Council shall not exceed $7,500,000.

[FR Doc.76-20507 Filed 7-15-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1182; Amdt. No. 5]

PART 1033—CAR SERVICE

Substitution of Stock Cars for Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July, 1976.

Upon further consideration of Service Order No. 1182 (39 FR 13159, 37393, 40 FR 2990, 30267 and 41 FR 2644) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1182 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1182 Substitution of stock cars for boxcars.

* * * * *

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

Effective date: This amendment shall become effective at 11:59 p.m., July 15, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20620 Filed 7-15-76;8:45 am]

[Second Revised Service Order No. 1197; Amdt. No. 1]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July, 1976.

Upon further consideration of Second Revised Service Order No. 1197 (41 FR 2644) and good cause appearing therefor:

It is ordered, That:

Second Revised Service Order No. 1197 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1197 The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.

* * * * *

(d) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m.,

January 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., July 15, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20619 Filed 7–15–76;8:45 am]

[Service Order No. 1188; Amdt. No. 4]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July, 1976.

Upon further consideration of Service Order No. 1188 (39 FR 24016, 40 FR 2990, 30267, and 41 FR 2644) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1188 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1188 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.

* * * * *

(e) *Expiration date.*—This order shall expire at 11:59 p.m., October 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., July 15, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20618 Filed 7–15–76;8:45 am]

[Service Order No. 1200; Amdt. No. 4]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July, 1976.

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

It is ordered, That:

Service Order No. 1200 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

* * * * *

§ 1033.1200 Missouri Pacific Railroad Co. authorized to operate over tracks of Union Pacific Railroad Co.

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

Effective date: This amendment shall become effective at 11:59 p.m., July 15, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20617 Filed 7–15–76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Puerto Rico and the Virgin Islands for the 1976–77 Season

On page 19341 of the FEDERAL REGISTER of May 12, 1976 (41 FR 19341) there was published a notice of proposed rulemaking to amend Part 20 of Title 50 of the Code of Federal Regulations. These amendments to 50 CFR 20.101 would specify open seasons, certain closed areas, shooting hours, and bag and possession limits for certain doves and pigeons, ducks, coots, common gallinules, and common (Wilson's) snipe in Puerto Rico, and for Zenaida doves and scalynaped pigeons in the Virgin Islands. Subsequently, on May 21, 1976, a correction to this Notice was published in the FEDERAL REGISTER (41 FR 20888) changing the word "Final" in the heading for the Virgin Islands framework to the word "Proposed". Included in the Notice of Proposed Rulemaking were proposed frameworks for selecting open season dates for hunting migratory game birds in Puerto Rico and the Virgin Islands for the 1976–77 season. Interested persons were given until June 26, 1976, to submit written comments, suggestions, or objections regarding the proposed amendments.

This final rulemaking notice is the fourth in a series of proposed and final rulemaking documents and deals specifically with final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season. The first notice in the series consisted of proposed rulemaking dealing 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 (41 FR 9177) with a comment period ending May 1, 1976. The second notice in the series consisted of proposed rulemaking dealing 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 as described in the opening paragraph of this document. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose hunting regulations in Wisconsin and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382) with a comment period ending July 17, 1976.

In this connection, 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).

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

Two comments were received in response to proposed frameworks published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), regarding migratory game bird regulations in Puerto Rico and the Virgin Islands. Senator Eric E. Dawson, Member, District of St. Thomas-St. John, Legislature of the Virgin Islands, expressed concern that the proposed season framework does not provide for seasons commencing before September 1, as has been allowed in past years. Senator Dawson stated that migratory habits of doves and pigeons in the Virgin Islands differ from those in the continental United States and that consideration should be given to the time period that these birds are available for harvest in the islands. The Service notes that the season framework date of September 1 is necessitated by a recent legal opinion from the Office of the Solicitor of the U.S. Department of the Interior in which it is concluded that the U.S. Fish and Wildlife Service does not have authority under the Migratory Bird Treaty Act of 1918 to allow hunting of migratory birds in the Virgin Islands during the period between March 10 and September 1 in any calendar year. Therefore, an earlier season framework is not permissible.

Christine Stevens, Animal Welfare Institute, Washington, D.C., recommended that no shooting of migratory game birds in Puerto Rico and the Virgin Islands be permitted before sunrise. No data were provided to support this recommendation. The Service points out that the shooting hours proposed are identical to those being proposed elsewhere in the United States for migratory game birds with the exception of mourning doves in the Eastern Management Unit and white-winged doves in Texas, and the September teal season. Also, there is no information available to indicate that hunting during the one-half hour to sunrise period jeopardizes the status of any dove, pigeon, or other migratory bird population in these areas. Consequently, it is determined that shooting hours for migratory game birds in Puerto Rico and the Virgin Islands may be from one-half hour before sunrise to sunset.

Comments on the Service's regulations proposals are available for public inspection during normal business hours at the Service's Office of Migratory Bird Mangement, Fish and Wildlife Service, Room 2257, U.S. Department of the Interior, 18th and C Streets, Washington, D.C.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Puerto Rico and the Virgin Islands would have insufficient time to select their season dates, shooting hours and bag limits, to communicate those selections to the Service, and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

After due consideration of the comments received, the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), prescribes below the final frameworks, setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Puerto Rico and Virgin Islands officials, the Service will publish in the FEDERAL REGISTER final rulemaking amending 50 CFR 20.101 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season.

Effective date: Final rulemaking on the frameworks for selecting open season dates for certain migratory game birds in Puerto Rico and the Virgin Islands for 1976–77 becomes effective on July 16, 1976.

Dated: July 13, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

JULY 13, 1976.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1976–77 (ALL DATES INCLUSIVE)

DOVES AND PIGEONS

An open season of sixty (60) days between September 1, 1976, and January 15, 1977, may be selected for hunting Zenaida, mourning, and white-winged doves, and scaly-naped and white-crowned pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is ten (10) singly or in the aggregate.

The daily bag and possession limit for pigeons of the species named herein is five (5) singly or in the aggregate.

No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

SPECIAL CLOSURE FOR PROTECTION OF THE PUERTO RICAN PARROT

No open season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest property line whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columbia inornata*), locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

DUCKS, COOTS, GALLINULES, AND SNIPE

An open season of fifty-five (55) consecutive days between December 1, 1976, and January 31, 1977, may be selected for hunting ducks, coots, common gallinules, and common (Wilson's) snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas*

bahamensis), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common (Wilson's) snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

FINAL FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING CERTAIN MIGRATORY GAME BIRDS IN THE VIRGIN ISLANDS, 1976–77 (ALL DATES INCLUSIVE)

DOVES AND PIGEONS

An open season of sixty (60) days between September 1, 1976, and January 15, 1977, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are ten (10) Zenaida doves and five (5) scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR GAME BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected.

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

[FR Doc.76-20543 Filed 7-15-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 574-1]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Technical Amendments

The need for a number of technical amendments has been identified. These amendments are set forth in this publication and are described in the table below.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking, public rulemaking procedure, and postponement of the effective date in the issuance of these amendments, in that: (1) the amendments primarily clarify the regulations, (2) they make non-substantive corrections and (3) they impose no additional burden on the regulated industry in complying with the regulations.

Explanation of technical amendment changes

Section	Change	Reason
86.077-1	Specify that the provisions of subpt. A only apply to gasoline-fueled and diesel-powered vehicles.	Inadvertently deleted in the June 30, 1975 (40 FR 27593) recodification of the regulations.
86.077-2	Revise the definition of "high altitude conditions" to allow testing at a wider range of altitudes; add light duty trucks to the definition of "loaded vehicle weight;" clarify the definition of "tank fuel volume;" and add a new definition for "nominal fuel tank capacity."	The current definition of "high altitude conditions" has been found to unnecessarily restrict manufacturers' choices of high altitude test facilities; light duty trucks were deleted from "loaded vehicle weight" definition inadvertently in the June 30, 1975, publication; both the revised definition for "tank fuel volume" and the new definition for "nominal fuel tank capacity" provide for a more consistent practice among manufacturers.
86.077-5(a)(2)	Make more specific the applicability of the paragraph by substituting "Each heavy duty vehicle manufacturer" for "Such manufacturer" in the 2d sentence.	Clarification.
86.077-9(a)(1)	Add "and later model years" to indicate applicability of exhaust emission standards.	Do.
86.077-24(f)	Allow the submission of emission data from vehicles not previously certified for the purpose of obtaining current model year certification.	Eases requirement, conforms to current practice.
86.077-25	Add provisions for the approval and performance of unscheduled maintenance on diesel-powered vehicles.	These provisions, identical to the current gasoline-fueled vehicle regulations, were inadvertently omitted when the diesel-powered vehicle regulations were published.
86.077-25(c)(5)(v), 86.077-25(d)(5)(v).	Lengthen time requirements for the submission of unscheduled maintenance reports.	Current time limits are unnecessarily burdensome.
86.077-25(d)(3)(i)	Delete language concerning a requirement for engine labels.	There is no such requirement, the wording is unnecessary.
86.077-27	Modify the provisions for special testing of heavy duty gasoline-fueled engines.	Current language unduly restricts the Administrator in prescribing special test procedures.
86.077-35(a)(1)(iii)(E), 86.077-35(a)(2)(iii)(F).	Change the required label statement concerning compliance with the standards.	Allows use of the same Federal Register provision from year to year without the need for annual revisions to the language.
86.177-6(b)	Add specifications for diesel test fuel and mileage accumulation fuel.	Inadvertently omitted in June 30, 1975, publication.
86.177-8(b)(3)	Delete the reference to the hot soak period following the 1 hr vehicle soak.	Provision is unnecessary.
86.177-12	Revise the section to prescribe that manual transmission test vehicles be operated according to the manufacturer's instructions to the ultimate purchaser; combine the provisions for all manual transmission operation in 1 section.	Makes the test more representative of actual vehicle operation; consolidates regulations.
86.177-13	Reserve section	Provisions have been included in § 85.177-12.
86.177-14	Revise the section to prescribe that automatic transmission test vehicles be operated according to the manufacturer's instructions to the ultimate purchaser.	Makes the test more representative of actual vehicle operation.
86.177-15(a)(2)(ii)	Make clear that manual choke test vehicles are to be placed in gear 15 s after the engine is started.	Clarification.
86.777-7(a)(3)	Change "engine speed" to "engine idle speed"	Do.
86.777-11(b)(2)	Add provision specifying that for each instrument analysis range used, the analyzer is to be calibrated using a known span gas; change "actual gain" to "true value" at end of 4th sentence.	Requirement is necessary to assure accuracy of test results; clarification.
86.777-13(b)(6)	Correct paragraph to indicate proper length of idle time.	Inadvertently omitted in Feb. 27, 1975, publication (40 FR 8483).
86.777-13(e)	Add hydrocarbon "hangup" specification; add specific instrument span requirements.	Specification was omitted from June 30, 1975, publication; provision makes explicit the current span requirements.
86.877-7(a)(2)(iii)	Remove wording referring to "90 percent of rated speed."	Removes unnecessary and confusing wording.
86.877-7(a)(4)	Add clarification regarding the "immediate" return of the engine to the idle condition.	Clarification.
86.877-11(a)(3), 86.877-11(b).	Provide for the confirmation of smoke opacity filter values by the Administrator semi-annually.	Do.
86.877-13(a)(4)	Change description of "transition period"	Do.
86.877-13(b)(1)(ii)	Revise speed specifications	Removes an unnecessary restriction.
86.877-13(b)(4)(i)	Change throttle position instructions	Better defines requirement for throttle position.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1977 model year is amended as follows, effective on July 16, 1976.

(These amendments are issued under the authority of sections 202, 206 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5 and 1857g(a)).)

Date: July 8, 1976.

JOHN QUARLES,
Acting Administrator.

1. Section 86.077-1 is revised to read as follows:

§ 86.077-1 General applicability.

The provisions of this subpart are applicable to 1977 and later model year

new gasoline-fueled and Diesel light duty vehicles, 1977 and later model year new gasoline-fueled and Diesel light duty trucks and 1977 and later model year new gasoline-fueled and Diesel heavy duty engines.

2. In § 86.077–2, the definitions for "High altitude conditions," "Loaded vehicle weight" and "Tank fuel volume" are revised, and a new definition for "Nominal fuel tank capacity" is added. The amended section reads as follows:

§ 86.077–2 Definitions.

* * * * *

"High altitude conditions" means a test altitude of 1585 meters (5200 feet), plus or minus 274 meters (900 feet), or equivalent observed barometric test conditions of 83.48 kPa (24.72 inches Hg), plus or minus 2.77 kPa (0.82 inches Hg): *Provided*, That the Administrator may approve conditions other than those specified herein on the basis of a written application by the manufacturer.

* * * * *

"Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle or light duty truck plus 300 pounds.

* * * * *

"Nominal fuel tank capacity" means the volume of the fuel tank, specified by the manufacturer to the nearest tenth of a U.S. gallon, which may be filled with fuel from the fuel tank filler inlet.

* * * * *

"Tank fuel volume" means the volume of fuel in the fuel tank(s), which is determined by multiplying the manufacturer's nominal tanks(s) capacity by 0.40, the result being rounded using ASTM E29–67 to the nearest tenth of a U.S. gallon.

* * * * *

3. In § 86.077–5 paragraph (a)(2) is amended to read as follows:

§ 86.077–5 General standards; increase in emissions; unsafe conditions.

(a) * * *

(2) No heavy duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any gasoline-fueled or Diesel heavy duty vehicle which uses an engine which has not been certified as meeting applicable standards. Each heavy duty vehicle manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

* * * * *

4. In §86.077–9, paragraph (a)(1) is amended to read as follows:

§ 86.077–9 Emission standards for 1977 light duty trucks.

(a)(1) Exhaust emissions from 1977 and later model year light duty trucks shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per vehicle mile.

(ii) *Carbon monoxide*. 20 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 3.1 grams per vehicle mile.

* * * * *

5. In § 86.077–24, paragraph (f) is amended to read as follows:

§ 86.077–24 Test vehicles and engines.

* * * * *

(f) In lieu of testing an emission data or durability data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission and/or fuel evaporative emission data, as applicable, on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.077–23 has previously been submitted.

* * * * *

6. Section 86.077–25 is amended to read as follows:

§ 86.077–25 Maintenance.

(a) *Light duty vehicles and light duty trucks*. Paragraph (a) of this section applies to light duty vehicles and light duty trucks.

(1) Scheduled maintenance on the engine, emission control system and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a)(5)(iii) of this section, only under the following provisions.

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a)(1)(i)(A) or (B) of this section, as applicable, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

(A) *For gasoline-fueled vehicles*, the following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(2) Cold starting enrichment system (includes fast idle speed setting).

(3) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(B) *For Diesel powered vehicles*, a major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.

(2) Adjust valve lash if required.

(3) Adjust injector timing.

(*4*) Adjust governor.

(*5*) Clean and service injector tips.

(*6*) Adjust drive belt tension on engine accessories.

(*7*) Check engine bolt torque and tighten as required.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to adjustment during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2)(i) *For gasoline-fuel vehicles*, unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(ii) *For Diesel powered vehicles*, unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at

each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of the vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for sparkplug, fuel injection component, or removable prechamber removal or replacement (as applicable); and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability vehicle.

(7) Where the Administrator agrees under § 86.077-26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(8)(i) Adjustment of engine idle speed on emission data vehicles may be performed once before the 6436 kilometer (4000 mile) test point. Any other engine, emission control system or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission data vehicles selected under § 86.077-24(b)(1)(v) and permitted to be tested for purposes of § 86.077-23(b)(1)(ii) under the provisions of § 86.077-24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6436 kilometer (4000 mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.077-33.

(iii) Maintenance on those emission data vehicles selected under § 86.077-24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6436 kilometer (4000 mile) test point, and shall be approved in advance by the Administrator.

(9) Repairs to vehicle components of the durability or emission data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(10) Complete emission tests (see §§ 86.177-5 through 86.177-23) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days) after the test along with a complete record of all pertinent maintenance including a preliminary engineering report of any malfunction diagnosis and corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.077-23.

(11) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall, black smoke), or an activation of and audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(12) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability vehicles or paragraph (a)(8)(i) of this section for emission data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b) [Reserved]

(c) * * *

(5) * * *

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within five working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

* * * * *

(d) * * *

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications shown on the engine label (See § 86.077-35(a)(iii)).

* * * * *

(5) * * *

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within five working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

* * * * *

7. Section 86.077-27 is revised to read as follows:

§ 86.077-27 Special test procedures.

(a) For light duty vehicles or light duty trucks, the Administrator may, on the basis of a written application therefore by a manufacturer, prescribe test procedures other than those set forth in this part for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth in Subpart B.

(b) For heavy duty engines, the Administrator may prescribe test procedures other than those set forth in this part for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth in Subparts H, I, or J.

8. In § 86.077-35, paragraphs (a)(1)(iii)(E) and (a)(2)(iii)(F) are amended to read as follows:

§ 86.077-35 Labeling.

(a) * * *

(1) * * *

(iii) * * *

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light duty vehicles or light duty trucks.

* * * * *

(2) * * *

(iii) * * *

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to gasoline-fueled heavy duty engines.

* * * * *

9. In 86.177-6, paragraph (b) is amended to read as follows:

§ 86.177-6 Fuel specifications.

* * * * *

(b) Diesel fuels.

(1) The Diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: Cetane improver, metal deactivator, anti-oxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D," shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48-54	42-50
Distillation range	D 86		
IBP, °F		330-390	340-400
10-pct point, °F		370-430	400-460
50-pct point, °F		410-480	470-540
90-pct point, °F		460-520	550-610
EP, °F		500-560	580-660
Gravity, °API	D 287	40-44	33-37
Total sulfur, percent	D 129 or D 2622	0.05-0.20	0.2-0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8-15	[1] 27
Paraffins, naphthenes, olefins		[2]	[2]
Flashpoint, °F, (minimum)	D 93	120	130
Viscosity, centistokes	D 445	1.6-2.0	2.0-3.2

[1] Minimum.
[2] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D," shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48-54	42-55
Distillation range	D 86		
IBP, °F		330-390	340-410
10-pct point, °F		370-430	400-470
50-pct point, °F		410-480	470-540
90-pct point, °F		460-520	550-610
EP, °F		500-560	580-660
Gravity, °API	D 287	40-44	33-40
Total sulfur, percent	D 129 or D 2622	0.05-0.20	0.2-0.5
Flashpoint, °F (minimum)	D 93	120	130
Viscosity, centistokes	D 445	1.6-2.0	2.0-3.2

(4) Other petroleum distillate fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3) and (b)(4) of this section shall be reported in accordance with § 86.077-21(b)(3).

10. In § 86.177-8, paragraph (b)(3) is amended to read as follows:

§ 86.177-8 Vehicle preconditioning.

* * * * *

(b) * * *

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F and 86° F for a period of not less than one hour.

* * * * *

11. Section 86.177-12 is revised to read as follows:

§ 86.177-12 Manual transmissions.

(a) All test conditions except as noted shall be run according to the manufacturer's recommendation to the ultimate purchaser.

(b) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendations to the ultimate purchaser.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 86.177-15).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly following the shift speeds and procedure as recommended by the manufacturer to the ultimate purchaser. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or accelerator pedal as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturer's recommendation to the ultimate purchaser.

(h) If the transmission ratio in first gear exceeds 5:1, follow the procedure as recommended by the manufacturer to the ultimate purchaser for the use of first gear.

§ 86.177–13 [Reserved]

12. Section 86.177–13 is reserved.

13. Section 86.177–14 is revised to read as follows:

§ 86.177–14 Automatic transmissions.

(a) All test conditions shall be run according to the manufacturer's recommendation to the ultimate purchaser.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle: see § 86.177–15).

(c) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift in accordance with the manufacturer's recommendations to the ultimate purchaser. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed.

(f) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendation to the ultimate purchaser.

14. In § 86.177–15, paragraph (a)(2)(ii) is amended to read as follows:

§ 86.177–15 Engine starting and restarting.

(a) * * *

(2) * * *

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's instructions to the ultimate purchaser in the owner's manual. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

* * * * *

15. In § 86.777–7, paragraph (a)(3) is amended to read as follows:

§ 86.777–7 Dynamometer operation cycle and equipment.

(a) * * *

(3) The idle operating mode shall be carried out at the manufacturer's recommended engine idle speed. The CT operating mode shall be carried out at the same engine speed as in paragraph (a)(2) of this section.

* * * * *

16. In § 86.777–11, paragraph (b)(2) is amended to read as follows:

§ 86.777–11 Calibration and instrument checks.

* * * * *

(b) * * *

(2) For each range used, introduce the span gas and set the analyzer gain to match the response to the value indicated by the calibration curve. In order to avoid a correction for sample cell pressure, use the same flow rate as that used to calibrate the analyzer. The span gas should produce a signal from 80 to 100 percent of the full scale response. The concentration of the span gas should be known within ±2 percent of the true value. If gain has shifted by more than 3 percent of scale, check tuning. If necessary, check calibration. Recheck after test. Record actual concentrations on chart.

* * * * *

17. In § 86.777–13, paragraphs (b)(6) and (c) are amended to read as follows:

§ 86.777–13 Dynamometer test run.

* * * * *

(b) * * *

(6) Start the engine and operate within the manufacturer's r.p.m. specifications for off idle operation for five minutes.

* * * * *

(c) Upon completion of the test purge the sample line with nitrogen to establish a constant hydrocarbon "hangup" level. The hydrocarbon concentration shall drop to 5 percent or less of full scale within 10 seconds and 3 percent or less of full scale within 3 minutes or the test is invalid. Check calibration of exhaust emission instruments. For each range, a drift in excess of 2 percent of full scale in the calibration of any one of the exhaust emission analyzers will invalidate the test results.

* * * * *

18. In § 86.877–7, paragraphs (a)(2)(iii) and (a)(4) are amended to read as follows:

§ 86.877–7 Dynamometer operation cycle for smoke emission tests.

(a) * * *

(2) * * *

(iii) After the engine reaches the speed required in paragraph (a)(2)(ii) of this section, the throttle shall be moved rapidly to, and held in, the fully-closed position. Immediately after the throttle is closed, the preselected load required to perform the acceleration in paragraph (a)(2)(iv) of this section shall be applied.

* * * * *

(4) *Engine unloading.* Immediately after completion of the preceding lugging mode, the dynamometer and engine controls shall be returned to the idle position described in paragraph (a)(1) of this section. The engine must be at the low idle condition within one minute after completion of the lugging mode.

* * * * *

19. In § 86.877–11, paragraphs (a)(3) and (b) are amended to read as follows:

§ 86.877–11 Instrument checks.

(a) * * *

(3) Calibrated neutral density filters having approximately 10, 20, and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) shall be inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response shall be noted. The nominal opacity value of the filter shall be confirmed by the Administrator semi-annually. Deviations in excess of 1 percent of the nominal opacity shall be corrected.

(b) The instruments for measuring and recording engine r.p.m., engine torque, air inlet restrictions, exhaust system back pressure, throttle position, etc., which are used in the tests prescribed herein, shall be calibrated in accordance with good engineering practice.

20. In § 86.877–13, paragraphs (a)(4), (b)(1)(ii) and (b)(4)(i) are amended to read as follows:

§ 86.877–13 Chart reading.

* * * * *

(a) * * *

(4) The transition period specified in § 86.877–7(a)(2)(iii) starts when the preceding acceleration mode has been completed and ends when the throttle is in the fully-open position as indicated by the throttle position trace.

* * * * *

(b) * * *

(1) * * *

(ii) Speed: within specifications during the last four minutes of the mode.

* * * * *

(4) * * *

(i) Throttle position: moved rapidly to, and held in the fully-closed position.

* * * * *

[FR Doc.76–20499 Filed 7–15–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20776; FCC 76–648]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Monthly Report Form 901

In the matter of amendment of § 1.786 of Part 1 and § 43.31 of Part 43 of the FCC rules and regulations to require monthly submission of consolidated system Monthly Report Form 901 by certain companies subject to FCC regulation; and amendment of Part 43 of the rules to establish a 50-day allowed time period for filing of such consolidated reports.

1. On April 21, 1976 the Commission released a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17571).

2. The notice presented for comment on or before May 27, 1976 and for reply comment on or before June 7, 1976, a proposal to amend § 1.786 of Part 1 and § 43.31 of Part 43 of the rules so that those companies controlling telephone communications subsidiaries, all of which are subject to FCC regulation, shall be required to submit consolidated system Monthly 901 Reports (Monthly Report of Revenues, Expenses and Other Items-Telephone Companies), in addition to fulfilling their present requirement of

submitting this report on an individual operating company and functional department basis.

3. The notice also proposed that Part 43, § 43.31 of the Rules be amended to allow an additional ten days (a total of 50 days) for submission of the consolidated system 901 Report. However, it was not proposed that the reporting time period for submission of the individual company or individual functional unit 901 reports be altered.

4. No comments were filed by any of the carriers with respect to either of the above proposals.

5. In view of the absence of objections or comments to the above proposals, Part 1 and Part 43 of the FCC rules and regulations are amended exactly as proposed in the notice of proposed rule making.

6. *It is ordered*, That, under authority contained in section 4(i), 201, 219, and 220 of the Communications Act of 1934 (47 U.S.C. 154(i), 201, 219, and 220) Part 1 and Part 43 of the FCC rules and regulations are amended as set forth below, effective September 1, 1976.

7. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 201, 219, 220, 48 Stat., as amended, 1066, 1070, 1077, 1078; 47 U.S.C. 154, 201, 219, 220.)

Adopted: July 7, 1976.

Released: July 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In Part 1, Practice and Procedure, § 1.786 is amended by redesignating present paragraph contained therein to (a) and adding a paragraph (b) to read as follows:

§ 1.786 Monthly Financial Reports.

* * * * *

(b) Companies controlling a system of two or more telephone communications common carrier subsidiaries both or all of which are subject to the Rules and Regulations of this Commission shall file FCC Form 901 monthly on a consolidated system basis.

2. In Part 43, Reports of Communications Common Carriers and Certain Affiliates, § 43.31, is amended by adding a new paragraph (b) and redesignating present paragraph (b) to (c); the new paragraph (b) is to read as follows:

§ 43.31 Monthly Reports of Communication Common Carriers.

* * * * *

(b) Companies controlling two or more telephone communications common carrier subsidiaries both or all of which are subject to the aforementioned reporting requirements (paragraph (a) of this Section) shall file with the Commission within fifty (50) days after the end of each calender month two certified copies of a consolidated system report for that month on forms prescribed (or approved) by the Commission.

* * * * *

[FR Doc.76-20537 Filed 7-15-76;8:45 am]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-656; RM-2699]

PART 73—RADIO BROADCAST SERVICES

Broadcast Station Identification

In the matter of amendment of the Commission's rules regarding broadcast station identification announcements.

1. The Commission has before it a petition for rule making filed by Midwest Radio Television, Inc. ("Midwest") seeking an amendment to § 73.1201(b)(1) of the Commission's Rules. Public Notice of such filing was given May 24, 1976, and no comments in opposition were filed.

2. Recently the Commission amended [1] Section 1.1201(b)(1) of its rules which govern the making of required station identification announcements. These announcements, required by international treaties, are designed to identify the station to the listening public. Our rules require the making of these announcements hourly during the broadcast day. Until the recent amendment to the rule, the announcements were limited to the station's call letters immediately followed by the station's community of license. The amendment permitted the insertion of the licensee's name between the station's call letters and its station location when making these hourly announcements. Midwest urges that the same reasoning also supports a further amendment to permit the insertion of the station's frequency or channel number. It asserts that such an insertion would provide useful information without causing any confusion about station location. Also it contends that its proposal would not present any problem in terms of a possible misuse of these announcements for promotional purposes. These, as petitioner sees it, were the criteria employed by the Commission in adopting the recent amendment.

3. We agree with Midwest that the reasoning which called for permitting insertion of the licensee's name applies with equal force here. Such an insertion could enhance the informational value of the announcement and thus would not be inconsistent with the purposes for which these announcements are required. Moreover, we see no potential here for misuse of these announcements for promotional purpose. However, one point should be noted. As proposed by Midwest the rule would allow insertion of "the station's frequency or channel number." In the example it uses, the phrase employed is "830 on your dial." This is slightly different from what its proposal would be understood to allow. Although we believe that Midwest's proposal is acceptable, it is important for stations to understand that no material may be included beyond that necessitated by the inclusion of the station's frequency. Thus, for example, 830 kilohertz or 830 on your (AM) dial are in conformity with the amended rule, but 830 on your *swinging* dial in *exciting* Podunk City is not.

[1] 41 FR 7105, 58 F.C.C. 2d 335, 36 RR 2d 215 (1976).

4. As with the previous amendment, we do not believe that a prior Notice of Proposed Rule Making is necessary under the provisions of 5 U.S.C. § 553(b). Moreover, we note that the effect of the change is to relieve an existing restriction.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 303 (g) and (r) IT IS ORDERED, That the subject petition for rule making is granted and § 73.1201(b)(1) of the Commission's Rules is amended as set forth below in Appendix effective July 22, 1976.

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

Adopted: July 7, 1976.

Released: July 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Section 73.1201(b) is amended to read as follows:

§ 73.1201 Station identification.

* * * * *

(b) *Content.* (1) Official station indentification shall consist of the station's call letters immediately followed by the community or communities specified in its license as the station's location: *Provided*, that the name of the licensee or the station's frequency or channel number, or both, as stated on the station's license may be inserted between the call letters and station location. No other insertion is permissible.

* * * * *

[FR Doc.76-20460 Filed 7-14-76;8:45 am]

[Docket No. 20435; RM-2398]

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. (La Crosse, Wisconsin)

1. On April 15, 1975, the Commission adopted a Notice of Proposed Rule Making (40 FR 18462) to assign Channel 269A to La Crosse, Wisconsin, at the request of Family Radio, Inc., licensee of AM Station WIZM at La Crosse. A Request For Supplemental Information (40 FR 51482) was adopted October 22, 1975, to determine possible air hazards this proposal might cause.

2. On December 18, 1975, Family Radio, Inc., requested an extension of time in which to file comments, but no further comments were forthcoming. On May 20, 1976, the Commission approved a voluntary transfer of Station WWLA(FM) at La Crosse to Family Radio, Inc. (File No. BALH-2256.) Family Radio, Inc., would now be prevented from pursuing its petition in the present proceeding by our Multiple Ownership Rules (§ 73.240(a)(1)).

3. No other party has expressed an interest in operating a station on Channel 269A at La Crosse. The Commission gen-

erally does not make FM assignments without assurance from a party that it intends to operate a station on the channel if authorized. See Appendix, para. 2, of the Notice in this proceeding, and Jefferson City, Missouri, 56 F.C.C. 2d 40 (1975). There being no reason not to terminate this proceeding, the Table of FM Assignments will remain unchanged as regards La Crosse, Wisconsin. This action is without prejudice to consideration of a new petition for rule making should an interested party come forward.

4. In view of the foregoing, IT IS ORDERED, That effective August 20, 1976, the petition of Family Radio, Inc., is denied and this proceeding is terminated.

5. Authority for this action is contained in Sections 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the FCC Rules and Regulations.

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

Adopted: July 7, 1976.

Released: July 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-20458 Filed 7-14-76;8:45 am]

PART 73—RADIO BROADCAST SERVICES

Reregulation of Radio and Television Broadcasting; Correction

In the Order in the above-entitled proceeding, Mimeo No. 40746, FCC 76-487, which was released on June 7, 1976, and published in the Federal Register on June 8, 1976 (41 FR 22940), paragraph 7 of the Appendix to the Order containing an amendment of paragraph (a)(9) of § 73.114 should have included an additional new subparagraph (a)(9)(v) as discussed in paragraph 1(b) of the Order to read as follows:

§ 73.114 Maintenance log.

(a) * * *
(9) * * *

* * * * *

(v) For stations where the indications of phase and sample loop currents or their ratios provided by a type-approved antenna monitor and an approved sampling system are observed and entered in the operating log, the entries specified in paragraph a(8) of this section are not required to be entered in the maintenance log.

Released: July 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-20459 Filed 7-14-76;8:45 am]

[Docket No. 20755; FCC 76-615]

STATIONS ON LAND AND ON SHIPBOARD IN THE MARITIME SERVICES

In the matter of amendment of Parts 81 and 83 of the Commission's rules to permit VHF channels 69, 71 and 78 to be used for intership communications as well as ship to coast.

1. A Notice of Proposed Rule Making in the above-captioned matter was released on April 8, 1976, and was published in the Federal Register on April 14, 1976 (41 FR 15719). The time for filing comments and reply comments has expired, and only one comment was filed. That comment was by the Northern California Marine Radio Council and supported the proposed rule changes.

2. The rule change will permit intership communications on noncommercial VHF channels 69, 71 and 78 as well as ship to coast. This will increase the utilization of these channels and relieve the congestion on the other noncommercial VHF marine channels, especially channels 9 and 68 which presently are the only noncommercial channels open to both intership and ship to coast communications.

3. Accordingly, it is ordered, That Parts 81 and 83 of the rules are amended as indicated below effective August 12, 1976. Authority for the promulgation of these rules is contained in Sections 4(i), 303(b), (c) and (r) of the Communications Act of 1934, as amended.

4. It is further ordered, That this proceeding IS TERMINATED.

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

Adopted: June 29, 1976.

Released: July 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Section 81.356(a) is amended and (b)(6) is reserved to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

(a) * * *

Channel designator	Frequency (megahertz) Coast	Frequency (megahertz) Ship	Points of communication	Conditions of use
*	*	*	*	*
Noncommercial				
*	*	*	*	*
69	156.475	156.475	do	7
71	156.575	156.575	do	7
78	156.925	156.925	do	7

(b) * * *
(6) [Reserved]

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Sections 83.351(a) is amended and (b)(53) is reserved to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (kilohertz)	Conditions of use: Section	Conditions of use: Limitations
*	*	*
(*Megahertz*)		
*	*	*
156.475	83.359	40, 41, 50, 54
*	*	*
156.575	83.359	40, 41, 50, 54
*	*	*
156.925	83.359	40, 41, 50, 54
*	*	*

(b) * * *
(53) [Reserved]

* * * * *

2. In Section 83.359, channels 69, 71 and 78 under "Points of Communication" are amended to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

* * * * *

Channel designator	Frequency (megahertz) Ship	Frequency (megahertz) Coast	Points of communication
*	*	*	*
Noncommercial			
*	*	*	*
69	156.475	156.475	Do.
*	*	*	*
71	156.575	156.575	Intership and ship to coast.
*	*	*	*
78	156.925	156.925	Intership and ship to coast.
*	*	*	*

[FR Doc.76-20457 Filed 7-14-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2147]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

• The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128) •

The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be August 16, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
*	*	*	*	*	*
Alabama	Tuscaloosa	Northport, city of.	H 010202A 01 through H 010202A 10	Mayor, Drawer L, Northport, Ala. 35476.	Dec. 28, 1973 July 9, 1976
Do	Elmore	Tallassee, city of.	H 010069A 01 through H 010069A 05	Mayor, P.O. Box 546, Tallassee, Ala. 36078.	Sept. 6, 1974 July 9, 1976
Arkansas	Lincoln	Grady, city of	H 050128A 01	Mayor, City Hall, Grady, Ark. 71644.	May 10, 1974 July 9, 1976
California	Orange	Laguna Beach, city of.	H 060223A 01 through H 060223A 05	Director of Public Works, City Hall, Laguna Beach, Calif. 92561.	June 21, 1974 July 9, 1976
Do	do	Newport Beach, city of.	H 060227A 01 through H 060227A 13	City Manager, City Hall, 330 Newport Blvd., Newport Beach, Calif. 92660.	Mar. 15, 1974 July 9, 1976
Do	Riverside	Perris, city of	H 060258A 01 through H 060258A 16	Mayor, City Hall, 101 North D St., Perris, Calif. 92370.	Sept. 6, 1974 July 9, 1976
Connecticut	Hartford	South Windsor, town of.	H 090036A 01 through H 090036A 09	Town Manager, Town Hall, 1540 Sullivan Ave., South Windsor, Conn. 06074.	Aug. 16, 1974 July 9, 1976
Florida	Hardee	Bowling Green, city of.	H 120104A 01	Mayor, P.O. Box 608, Bowling Green, Fla. 33834.	Dec. 28, 1973
Do	Bradford	Unincorporated areas.	H 120015A 01 through H 120015A 25	Chairman, Board of Commissioners, P.O. Drawer B, Bradford County, Fla. 32091.	Feb. 14, 1975 July 9, 1976
Georgia	De Kalb	Stone Mountain, city of.	H 130260A 01 through H 130260A 02	Mayor, P.O. Box 454, Stone Mountain, Ga. 30083.	Apr. 12, 1974
Do	Tift	Tifton, city of	H 130171A 01 through H 130171A 02	City Manager, P.O. Box 229, Tifton, Ga. 31794.	Jan. 17, 1975 July 9, 1976
Illinois	Cook	Barrington Hills, village of.	H 170058A 01 through H 170058A 11	Village President, P.O. Route 2, Helm Rd., Barrington Hills, Ill. 60010.	Apr. 5, 1974 July 9, 1976
Do	McHenry	Crystal Lake, city of.	H 170476A 01 through H 170476A 03	Mayor, 121 North Main St., Crystal Lake, Ill. 60014.	Mar. 22, 1974 July 9, 1976
Do	Cook	Hickory Hills, city of.	H 170103A 01 through H 170103A 02	Mayor, 8652 West 95th St., Oak Lawn, Ill. 60457.	Mar. 22, 1974 July 9, 1976
Do	Du Page	Glen Ellyn, village of.	H 170207A01 through H 170207A 02	Village President, Glen Ellyn Civic Center, 535 Duane St., Glen Ellyn, Ill. 60137.	May 3, 1974 July 9, 1976
Do	Kane	North Aurora, village of.	H 170329A 01	Village President, 25 East State St., North Aurora, Ill. 60542.	Mar. 1, 1974 July 9, 1976
Do	Tazewell and Woodford.	Peoria Heights, village of.	H 170537A 01 through H 170537A 02.	Village President, 4901 North Prospect Rd., Peoria Heights, Ill. 61614.	Nov. 16, 1973
Do	Winnebago	South Beloit, city of.	H 170725A 01	Mayor, 519 Blackhawk Blvd., South Beloit, Ill. 61080.	June 7, 1974 July 9, 1974
Do	Douglas	Tuscola, city of	H 170195A 01 through H 170195A 02	Mayor, 204 North Park St., Tuscola, Ill. 61953.	Nov. 30, 1973 July 9, 1976
Do	Hancock	Warsaw, city of	H 170273A 01 through H 170273A 02	Mayor, 306 Main St., Warsaw, Ill. 62379.	Dec. 17, 1973 July 9, 1976
Do	Lake	Waukegan, city of.	H 170397A 01 through H 170397A 09	Mayor, 106 North Utica, Waukegan, Ill. 60085.	May 10, 1974 July 9, 1976
Indiana	Orange	French Lick, town of	H 180187A 01	Town Board, P.O. Box 10, French Lick, Ind. 47432.	Feb. 1, 1974
Do	Spencer	Grandview, town of.	H 180238A 01	Clerk/Treasurer, City Hall, Grandview, Ind. 47615.	Jan. 23, 1974 July 9, 1976
Iowa	Decatur	Leon, city of	H 190111A 01	Mayor, City Hall, Leon, Iowa 50144.	Aug. 9, 1974 July 9, 1976
Kansas	Atchison	Muscotah, city of	H 200014A 01	City Clerk, City Hall Muscotah, Kans. 66058.	Nov. 22, 1974 July 9, 1976
Kentucky	Hopkins	Earlington, city of.	H 210114A 01 through H 210114A 03	Mayor, Main St., Earlington, Ky. 42410.	May 17, 1974
Do	Gallatin	Unincorporated areas.	H 210281A 01 through H 210281A 12	Gallatin County Courthouse, Warsaw, Ky. 41095.	Sept. 3, 1976
Do	Henderson	Henderson, city of.	H 210109A 01 through H 210109A 09	Mayor, P.O. Box 716, Henderson, Ky. 42420.	Feb. 15, 1974 July 9, 1976
Do	Mason	Maysville, city of	H 210168A 01 through H 210168A 02	Mayor, City Hall, Maysville, Ky. 41056.	Feb. 1, 1974
Do	Logan	Russellville, city of.	H 210150A 01 through H 210150A 04	Mayor City Hall, Russellville, Ky. 42276.	May 17, 1974 July 9, 1976
Do	Washington	Springfield, city of.	H 212000A 01 through H 210220A 02	Mayor, City Hall, Springfield, Ky. 40069.	May 31, 1974 July 9, 1976
Do	Ohio	Rockport, town of.	H 210245A 01	Mayor, P.O. Box 128, Rockport, Ky. 42369.	Feb. 1, 1974

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Morgan	West Liberty, city of.	H 210174A 01	Mayor, City Hall, West Liberty, Ky. 41472.	Feb. 1, 1974 July 9, 1976
Louisiana	St. Tammany Parish.	Pearl River, town of.	H 220203A 01	Mayor, City Hall, Pearl River, La. 70452.	May 24, 1974 July 9, 1976
Maine	Oxford	Buckfield, town of.	H 230090A 01 through H 230090A 15	Selectman, Town Hall, Buckfield, Maine 04220.	Aug. 2, 1974 July 9, 1976
Do	Penobscot	East Millinocket, town of.	H 230163A 01 through H 230163A 05	Selectman, Town Hall, East Millinocket, Maine 04430.	Aug. 23, 1974 July 9, 1976
Do	Lincoln	Jefferson, town of.	H 230085A 01 through H 230085A 17	Planning Board, Box 54 A, Jefferson, Maine 04348.	Oct. 25, 1974 July 9, 1976
Do	Kennebec	Manchester, town of.	H 230239A 01 through H 230239A 12	Selectman, Main St., Manchester, Maine 04351.	Dec. 6, 1974 July 9, 1976
Do	Androscoggin	Minot, town of.	H 230008A 01 through H 230008A 13	Selectman, Town Hall, Minot, Maine 04258.	Feb. 1, 1974 July 9, 1976
Do	Waldo	Searsport, town of.	H 230185A 01 through H 230185A 14	Town Manager, Town Office, Searsport, Maine 04974.	Nov. 8, 1974 July 9, 1976
Maryland	Queen Annes	Queen Anne, town of.	H 240059A 01	President of Commissioners, Town Hall, Queen Anne, Md. 21657.	Aug. 9, 1974 July 9, 1976
Massachusetts	Berkshire	Hancock, town of.	H 250025A 01 through H 250025A 18	Selectman, Town Hall, Hancock, Mass. 01237.	June 28, 1974 July 9, 1976
Do	do	Stockbridge, town of.	H 250337A 01 through H 250337A 08	Selectman, Town Hall, Stockbridge, Mass. 01262.	May 31, 1974 July 9, 1976
Michigan	St. Clair	Algonac, city of.	H 260191A 01 through H 260191A 04	Mayor, 1410 St. Clair River Dr., Algonac, Mich. 48001.	Apr. 12, 1974 July 9, 1976
Do	Iosco	Baldwin, township of.	H 260099B 01 through H 260099B 12	Township Supervisor, 3749 Lixey Beach, East Tawas, Mich. 48730.	June 29, 1973 Apr. 12, 1974 July 9, 1976
Do	Bay	Bangor, township of.	H 260019A 01 through H 260019A 08	Township Supervisor, 3921 Wheeler Rd., Bay City, Mich. 48706.	May 24, 1974
Do	Mecosta	Big Rapids, township of.	H 260135A 01 through H 260135A 11	Township Supervisor, Rural Delivery No. 4, Big Rapids, Mich. 49307.	Aug. 2, 1974 July 9, 1976
Do	Benzie	Blaine, township of.	H 260027A 01 through H 260027A 06	Township Supervisor, Rural Route No. 1, Frankfort, Mich. 49635.	Sept. 20, 1974 July 9, 1976
Do	Van Buren	Covert, township of.	H 260259A 01 through H 260259A 10	Supervisor, P.O. Box 35, Covert, Mich. 49043.	Aug. 2, 1974 July 9, 1976
Do	Benzie	Crystal Lake, township of.	H 260028A 01 through H 260028A 06	Supervisor, Town Hall, Frankfort, Mich. 49635.	Aug. 16, 1974 July 9, 1976
Do	Monroe	Dundee, township of.	H 260144A 01 through H 260144A 13	Township Supervisor, P.O. Box 91, Dundee, Mich. 48131.	Feb. 22, 1974 July 9, 1976
Do	Ottawa and Allegan.	Holland, city of.	H 260006A 01 through H 260006A 05	Mayor, City Hall, Holland, Mich. 49423.	Apr. 12, 1974 July 9, 1976
Do	Bay	Pinconning, township of.	H 260025A 01 through H 260025A 12	Township Supervisor, Cody Estey Rd., Pinconning, Mich. 48650.	June 7, 1974 July 9, 1976
Do	Wayne and Oakland.	Northville, city of.	H 260235 01 through H 260235 02	Mayor, 215 West Main, Northville, Mich. 48167.	Sept. 3, 1976
Do	Saginaw	Saginaw, township of.	H 260190A 01 through H 260190A 06	Supervisor, 4980 Shattuck Rd., Saginaw, Mich. 48603.	Sept. 13, 1974 July 9, 1976
Do	Oakland	Southfield, city of.	H 260179A 01 through H 260179A 08	Mayor, 26000 Evergreen Rd., Southfield, Mich. 48076.	May 17, 1974 July 9, 1976
Do	Arenac	Standish, township of.	H 260017A 01 through H 260017A 10	Township Supervisor, Rural Delivery No. 1, Standish, Mich. 48658.	Dec. 6, 1974 July 9, 1976
Do	Monroe	Summerfield, township of.	H 260156A 01 through H 260156A 12	Township Supervisor, Township Bldg., Petersburg, Mich. 49270.	Feb. 15, 1974 July 9, 1976
Minnesota	Hennepin	Brooklyn Center, city of.	H 270151A 01 through H 270151A 04	Mayor, City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minn. 55430.	Nov. 9, 1973 July 9, 1976
Do	Meeker	Cosmos, city of.	H 270282A 01	Mayor, City Hall, Cosmos, Minn. 56228.	May 17, 1974
Do	Wabasha	Elgin, city of.	H 270484A 01	Mayor, City Hall, Elgin, Minn. 55932.	May 17, 197 July 9, 1976
Do	Morrison	Elmdale, city of.	H 270295A 01 through H 270295A 02	Mayor, Post Office Boulus, Boulus, Minn. 56314.	Aug. 9, 1974
Do	Sibley	Gaylord, city of.	H 270438A 01	Mayor, City Hall, 428 Main Ave., Gaylord, Minn. 55334.	Mar. 8, 1974 July 9, 1976
Do	Rock	Hardwick, city of.	H 270408A 01	Mayor, City Hall, Hardwick, Minn. 56134.	Aug. 2, 1974
Do	Dodge	Hayfield, city of.	H 270550A 01	Mayor, City Hall, Hayfield, Minn. 55940.	Do.
Do	Crow Wing	Jenkins, city of.	H 270098A 01	Mayor, City Hall, Jenkins, Minn. 56456.	Aug. 23, 1974 July 9, 1976

State	County	Location	Map No.	Loca lmap repository	Effective date of identification of areas which have special flood hazards
Do	Lac Qui Parle	Marietta, city of	H 270243A 01	Mayor, City Hall, Marietta, Minn. 56257.	Sept. 6, 1974 July 9, 1976
Do	Kanabec	Ogilvie, city of	H 270217A 01	Mayor, City Hall, Ogilvie, Minn. 56358.	Aug. 30, 1974 July 9, 1976
Do	Stearns	Paynesville, city of.	H 270452A 01	Mayor, City Hall, 221 Washburne St., Paynesville, Minn. 56362.	Apr. 12, 1974
Do	Yellow Medicine.	Porter, city of	H 270547A 01	Mayor, City Hall, Porter, Minn. 56280.	June 28, 1974
Do	Blue Earth	St. Clair, city of	H 270033A 01	Mayor, Box 97, St. Clair, Minn. 56080.	Aug. 23, 1974
Do	Kittson	St. Vincent, city of.	H 270232A 01	Mayor, City Hall, St. Vincent, Minn. 56755.	Aug. 9, 1974 July 9, 1976
Do	Carlton	Scanlon, city of	H 270046A 01	Mayor, 2801 Dewey Ave., Scanlon, Minn. 55720.	Nov. 2, 1973 July 9, 1976
Do	St. Louis	Virginia, city of	H 270426A 01 through H 270426A 04	Mayor, City Hall, Virginia, Minn. 55792.	May 17, 1974 July 9, 1976
Mississippi	Washington	Arcola, town of	H 280178A 01	Mayor, P.O. Box 25, Arcola, Miss. 38722.	June 7, 1974
Do	Tippah	Blue Mountain, town of.	H 280172A 01	Mayor, Town Hall, Blue Mountain, Miss. 38610.	June 21, 1974
Do	Lee	Unincorporated areas.	H 280227 01 through H 280227 34	Chairman, Board of Supervisors, P.O. Box 1785, Tupelo, Miss. 38801.	Sept. 3, 1976
Do	Franklin	Roxie, town of	H 280055A 01	Mayor, P.O. Box 213, Roxie, Miss. 39661.	June 7, 1974 July 9, 1976
Do	Quitman	Sledge, town of	H 280141A 01	Mayor, Town Hall, Sledge, Miss. 38670.	June 7, 1974
Missouri	St. Louis	Shrewsbury, city of.	H 290386A 01	Mayor, City Hall, 4400 Shrewsbury Ave., Webster Drive, Mo. 63119.	Mar. 29, 1974 July 9, 1976
Do	Carter	Van Buren, town of.	H 290472A 01 through H 290472A 02	Mayor, City Hall, Van Buren, Mo. 63965.	Jan. 23, 1974 July 9, 1976
New Jersey	Camden	Audubon Park, borough of.	H 340122A 01	Mayor, Community Hall, Rd. C, Audubon Park, N.J. 08106.	June 21, 1974
Do	Warren	Belvidere, town of.	H 340481A 01 through H 340481A 02	Mayor, 301 2d St., Belvidere, N.J. 07823.	June 28, 1974 July 9, 1976
Do	Morris	Dover, town of	H 340340A 01 through H 340340A 02	Mayor, 37 North Sussex St., P.O. Box 790, Dover, N.J. 07801.	Mar. 16, 1973
Do	Hunterdon	Franklin, township of.	H 340507A 01 through H 340507A 07	Mayor, Rural Delivery, Pittstown, N.J. 08867.	July 26, 1974 July 9, 1976
Do	Warren	Knowlton, township of.	H 340488A 01 through H 340488A 08	Mayor, Rural Delivery, Box 234, Columbia, N.J. 07832.	Aug. 16, 1974 July 9, 1976
Do	Monmouth	Middletown, township of.	H 340313A 01 through H 340313A 14	Mayor, Township Hall, Kings Highway, Middletown, N.J. 07748.	July 19, 1974 July 9, 1976
Do	Salem	Oldmans, township of.	H 340418A 01 through H 340418A 07	Mayor, West Mill St., Pedricktown, N.J. 08067.	Aug. 2, 1974 July 9, 1976
Do	Middlesex	Plainsboro, township of.	H 340275A 01 through H 340275A 07	Mayor, P.O. Box 278, 506 Princeton Rd., Plainsboro, N.J. 08536.	May 31, 1974 July 9, 1976
Do	Salem	Quinton, township of.	H 340422A 01 through H 340422A 08	Mayor, P.O. Box 25, Quinton, N.J. 08072.	Aug. 9, 1974 July 9, 1976
Do	Mercer	Washington, township of.	H 340255A 01 through H 340255A 06	Mayor, Box A, Robbinsville, N.J. 08691.	May 17, 1974 July 9, 1976
Do	Hunterdon	West Amwell, township of.	H 340243A 01 through H 340243A 04	Mayor, Rural Delivery No. 2, Lambertville, N.J. 08530.	May 11, 1973 July 9, 1976
New York	Allegany	Almond, village of.	H 360021A 01 through H 360021A 02	Mayor, Village Hall, Almond, N.Y. 14804.	Jan. 9, 1974 July 9, 1976
Do	Westchester	Bedford, town of	H 360003A 01 through H 360003A 11	Supervisor, Town House, Bedford Hills, N.Y. 10507.	May 31, 1974 July 9, 1976
Do	Genesee	Bergen, town of	H 361137A 01 through H 361137A 09	Town Supervisor, 7179 North Bergen Rd., Bergen, N.Y. 14416.	Nov. 22, 1974 July 9, 1976
Do	Rensselaer	Berlin, town of	H 360672A 01 through H 360672A 07	Supervisor, Box 373, Berlin, N.Y. 12022.	Aug. 30, 1974 July 9, 1976
Do	Chautauqua	Busti, town of	H 361106A 01 through H 361106A 07	Town Supervisor, 11 West 3d St., Lakewood, N.Y. 14750.	Oct. 18, 1976 July 9, 1976
Do	Greene	Cairo, town of	H 360286A 01 through H 360286A 08	Town Supervisor, Cairo Town Hall, Box 25, Acra, N.Y. 12405.	Dec. 20, 1974 July 9, 1976
Do	Steuben	Canisteo, village of.	H 360770A 01	Mayor, 35 Main St., Canisteo, N.Y. 14823.	Dec. 20, 1974
Do	Chautauqua	Celoron, village of.	H 360135A 01	Mayor, P.O. Box V, Celoron, N.Y. 14720.	Feb. 15, 1974 July 9, 1976
Do	Monroe	Clarkson, town of	H 360413A 01 through H 360413A 09	Supervisor, 3710 Lake Rd., Clarkson, N.Y. 14430.	June 14, 1974 July 9, 1976
Do	Livingston	Conesus, town of	H 360382A 01 through H 360382A 11	Supervisor, Town Hall, Conesus, N.Y. 14435.	Apr. 5, 1974 July 9, 1976
Do	Saratoga	Corinth, town of	H 360715A 01 through H 360715A 11	Supervisor, Box 706, Corinth, N.Y. 12822.	Aug. 2, 1974 July 9, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Cortland	Cortlandville, town of.	H 360179A 01 through H 360179A 06	Supervisor, 15 Terrace Rd., Cortland, N.Y. 13045.	Aug. 30, 1974 July 9, 1976
Do.	Schuyler	Dix, town of.	H 360746 01 through H 360746 05	Mayor, Rural Delivery 1, Montour Falls, N.Y. 14865.	Sept. 3, 1976
Do.	Ontario	East Bloomfield, town of.	H 361298A 01 through H 361298A 04	Supervisor, 13 South Ave., East Bloomfield, N.Y. 14443.	Dec. 20, 1974 July 9, 1976
Do.	Dutchess	East Fishkill, town of.	H 361336A 01 through H 361336A 09	Town Supervisor, Town Hall Route 376, Hopewell Junction, N.Y. 12533.	Nov. 1, 1974 July 9, 1976
Do.	Nassau	East Rockaway, village of.	H 360463A 01 through H 360463A 03	Mayor, 376 Atlantic Ave., East Rockaway, N.Y. 11518.	July 26, 1974 July 9, 1976
Do.	Chatauqua	Ellington, town of.	H 361074A 01 through H 360174A 11	Supervisor, Rural Delivery No. 1, Sinclairville, N.Y. 14782.	Oct. 25, 1974 July 9, 1976
Do.	Herkimer	Fairfield, town of.	H 360302A 01 through H 360302A 03	Supervisor, Rural Delivery No. 1, Little Falls, N.Y. 13365.	Mar. 29, 1974 July 9, 1976
Do.	Cayuga	Fair Haven, village of.	H 360109A 01 through H 360109A 02	Mayor, Village Hall, Fair Haven, N.Y. 13064.	Feb. 22, 1974
Do.	Sullivan	Forestburg, town of.	H 360820A 01 through H 360820A 07	Supervisor, Box 56 G. Monticello, N.Y. 12701.	June 21, 1974
Do.	Washington	Fort Edward, village of.	H 361536A 01	Mayor, 118 Broadway, Fort Edward, N.Y. 12828.	Apr. 12, 1974 July 9, 1976
Do.	Montgomery	Fultonville, village of.	H 360449A 01	Mayor, Box 337, Fultonville, N.Y. 12072.	Mar. 1, 1974 July 9, 1976
Do.	Allegany	Grove, town of.	H 361005A 01 through H 361005A 10	Town Supervisor, Town Hall, Swain, N.Y. 14884.	June 28, 1974 July 9, 1976
Do.	Orange	Hamptonburgh, town of.	H 360617A 01 through H 360617A 08	Town Supervisor, Ridge Rd., Campbell Hall, N.Y. 10916.	Apr. 5, 1974 July 9, 1976
Do.	Otsego	Hartwick, town of.	H 361271A 01 through H 361271A 11	Town Supervisor, Rural Delivery No. 1, Milford, N.Y. 13807.	Oct. 25, 1974 July 9, 1976
Do.	Monroe	Irondequoit, town of.	H 360422A 01 through H 360442A 06	Town Supervisor, 1280 Titus Ave., Rochester, N.Y. 14617.	June 28, 1974 July 9, 1976
Do.	Nassau	Laurel Hollow, village of.	H 360475A 01 through H 360475A 02	Mayor, Rural Delivery, Box 1654, Ridge Rd., Syosset, N.Y. 11791.	June 28, 1974 July 9, 1976
Do.	Lewis	Lewis, town of.	H 360368A 01 through H 360368A 02	Town Supervisor, Town Hall, West Leydon, N.Y. 13489.	June 28, 1974 July 9, 1976
Do.	Ulster	Lloyd, town of.	H 361012A 01 through H 361012A 05	Supervisor, P.O. Box 807, Highland, N.Y. 12528.	Sept. 6, 1974 July 9, 1976
Do.	do.	Marbletown, town of.	H 361219A 01 through H 361219A 15	Supervisor, Town Hall, Accord, N.Y. 12404.	Sept. 20, 1974 July 9, 1976
Do.	Wayne	Marion, town of.	H 361446A 01 through H 361446A 02	Supervisor, 67 Eddy Ridge Rd., Marion, N.Y. 14505.	Jan. 17, 1975 July 9, 1976
Do.	Oneida	Marshall, town of.	H 360534A 01 through H 360534A 04	Supervisor, Town Hall, Deansboro, N.Y. 13328.	Aug. 2, 1974 July 9, 1976
Do.	St. Lawrence	Massena, village of.	H 360705A 03 through H 360705A 02	Mayor, Town Hall, Massena, N.Y. 13662.	Mar. 8, 1974 July 9, 1976
Do.	Montgomery	Minden, town of.	H 360451A 01 through H 360451A 07	Supervisor, Rural Delivery 1, Fort Plain, N.Y. 13339.	Nov. 1, 1974 July 9, 1976
Do.	Essex	Minerva, town of.	H 361153A 01 through H 361153A 13	Supervisor, Town Hall, Olmstedville, N.Y. 12857.	Dec. 20, 1974 July 9, 1976
Do.	Orange	Minisink, town of.	H 360620A 01 through H 360620A 03	Supervisor, Town Hall, Westtown, N.Y. 10998.	Apr. 12, 1974 July 9, 1976
Do.	Otsego	Morris, town of.	H 361273A 01 through H 361273A 03	Supervisor, Town Hall, Morris, N.Y. 13808.	Nov. 15, 1974 July 9, 1976
Do.	Madison	Nelson, town of.	H 361293A 01 through H 361293A 05	Supervisor, Rural Delivery 3, Sasenovia, N.Y. 13035.	Oct. 25, 1974 July 9, 1976
Do.	Oneida	New Hartford, town of.	H 360535A 01 through H 360535A 13	Supervisor, 48 Genesee St., New Hartford, N.Y. 13413.	May 31, 1974
Do.	Allegany	New Hudson, town of.	H 361102 01 through H 361102 05	Town Supervisor, Town Hall, Black Creek, N.Y. 14714.	Sept. 3, 1976
Do.	Genesee	Oakfield, village of.	H 361500A 01 through H 361500A 02	Mayor, 52 Main St., Oakfield, N.Y. 14125.	Nov. 15, 1974
Do.	Wyoming	Orangeville, town of.	H 360945A 01 through H 360945A 05	Supervisor, Route 28, Warsaw, N.Y. 19569.	July 26, 1974 July 9, 1976
Do.	Dutchess	Poughkeepsie, city of.	H 360222A 01 through H 360222A 03	Mayor, Municipal Building, P.O. Box 351, Poughkeepsie, N.Y. 12602.	June 28, 1974 July 9, 1976
Do.	Oneida	Prospect, village of.	H 361356A 01	Mayor, Village Hall, Prospect, N.Y. 13435.	Nov. 15, 1974
Do.	Monroe	Rush, town of.	H 360432A 01 through H 360432A 09	Supervisor, 5977 East Henrieth Rd., Rush, N.Y. 15543.	Mar. 8, 197 July 9, 197

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Suffolk	Sag Harbor, village of.	H 360807A 01 through H 360807A 04	Mayor, Main St., Sag Harbor, N.Y. 11963.	May 3, 1974 July 9, 1976
Do	Schoharie	Seward, town of	H 361199A 01 through H 361199A 11	Supervisor, Rural Delivery 2, Cobleskill, N.Y. 12043.	Sept. 20, 1974 July 9, 1976
Do	Onondaga	Spafford, town of	H 360594A 01 through H 360594A 13	Town Supervisor, Rural Delivery No. 1, Marietta, N.Y. 13110.	Dec. 13, 1974 July 9, 1976
Do	Dutchess	Stanford, town of	H 361145A 01 through H 361145A 06	Town Supervisor, Salt Point Turnpike, Clinton Corners, N.Y. 12514.	Oct. 18, 1974 July 9, 1976
Do	Cayuga	Sterling, town of	H 360196A 01 through H 360196A 12	Supervisor, Town Hall, Fair Haven, N.Y. 13064.	July 26, 1974 July 9, 1976
Do	Oneida	Steuben, town of	H 360555A 01 through H 360555A 07	Town Supervisor, Rural Delivery No. 2, Remsen, N.Y. 13438.	June 28, 1974 July 9, 1976
Do	Cayuga	Throop, town of	H 360198A 01 through H 360198A 05	Supervisor, Rural Delivery 5, Auburn, N.Y. 13021.	Apr. 12, 1974 July 9, 1976
Do	Oneida	Trenton, town of	H 360556A 01 through H 360556A 07	Supervisor, Town Hall, Barneveld, N.Y. 13304.	Aug. 30, 1974 July 9, 1976
Do	Rensselaer	Troy, city of	H 360677A 01 through H 360677A 05	Mayor, City Hall, Monuments Square, Troy, N.Y. 12180.	Apr. 5, 1974 July 9, 1976
Do	Orange	Tuxedo, town of	H 360631A 01 through H 360631A 04	Supervisor, Town Hall, Route 17, Tuxedo Park, N.Y. 10987.	Apr. 12, 1974
Do	Otsego	Unadilla, village of.	H 361044A 01	Mayor, Box 886, Unadilla, N.Y. 13849.	June 28, 1974 July 9, 1976
Do	Steuben	Urbana, town of	H 360783A 01 through H 360783A 06	Town Supervisor, Curtis Museum Bldg., Hammondsport, N.Y. 14840.	May 10, 1974
Do	Cayuga	Venice, town of	H 360130A 01 through H 360130A 05	Supervisor, Town Hall, King Ferry, N.Y. 13081.	June 28, 1974
Do	Oneida	Verona, town of	H 360561A 01 through H 360561A 10	Supervisor, Town Office and Garage Bldg., Germany Rd., Rural Delivery 1, Verona, N.Y. 13478.	Sept. 13, 1974 July 9, 1976
Do	Dutchess	Washington, town of.	H 361147A 01 through H 361147A 06	Supervisor, Town Hall, Millbrook, N.Y. 12545.	Nov. 1, 1974 July 9, 1976
Do	Schuyler	Watkins Glen, village of.	H 360750A 01 through H 360750A 02	Mayor, 303 North Franklin, Watkins Glen, N.Y. 14891.	Aug. 2, 1974 July 9, 1976
Do	Steuben	Wayland, town of	H 360784A 01 through H 360784A 05	Town Supervisor, Rural Delivery No. 2, Wayland, N.Y. 14572.	June 28, 1974 July 9, 1976
Do	Lewis	West Turnin, town of (including High Market, town of).	H 360378A 01 through H 360378A 00	Supervisor, Township Bldg., Constableville, N.Y. 13385.	Sept. 13, 1974 July 9, 1976
North Carolina	Rowan	East Spencer, town of.	H 370211A 01	Mayor, Box 338, East Spencer, N.C. 28039.	June 7, 1974 July 9, 1976
Do	Wilkes	Wilkesboro, town of.	H 370259A 01 through H 370259A 02	Mayor, 100 West St., Wilkesboro, N.C. 28697.	June 14, 1974 July 9, 1976
Ohio	Mercer	Celina, city of	H 390393A 01 through H 390393A 02	Mayor, 426 West Market St., Celina, Ohio 45822.	Apr. 12, 1974 July 9, 1976
Do	Ross	Frankfort, village of.	H 390484A 01	Mayor, 116 North Main St., Frankfort, Ohio 45628.	Apr. 12, 1974 July 9, 1976
Do	Huron	Greenwich, village of.	H 390282A 01 through H 390282A 02	Mayor, 47 Main St., Greenwich, Ohio 44837.	Mar. 15, 1974 July 9, 1976
Do	Shelby	Jackson Center, village of.	H 390505A 01 through H 390505A 03	Mayor, 102 Oak St., Jackson Center, Ohio 45334.	May 31, 1974 July 9, 1976
Do	Tuscarawas	Uhrichsville, city of.	H 390547A 01 through H 390547A 02	Mayor, City Hall, Uhrichsville, Ohio 44683.	Nov. 9, 1974 July 9, 1976
Oklahoma	Carter	Ardmore, city of	H 400031A 01 through H 400031A 13	Mayor, 23 South Washington, P.O. Box 249, City Hall, Ardmore, Okla. 73401.	Mar. 29, 1974 July 9, 1976
Pennsylvania	Columbia	Beaver, township of.	H 421547A 01 through H 421547A 10	Chairman, Rural Delivery 3, Bloomsburg, Pa. 17815.	Nov. 1, 1974 July 9, 1976
Do	Carbon	Bowmanstown, borough of.	H 420248A 01 through H 420248A 02	Mayor, Ore and Mill St., P.O. Box 127, Bowmanstown, Pa. 18030.	Jan. 16, 1974 July 9, 1976
Do	Washington	Buffalo, township of.	H 421200A 01 through H 421200A 02	Chairman, Rural Delivery No. 1, Claysville, Pa. 15323.	Nov. 1, 1974 July 9, 1976
Do	Centre	Curtin, township of.	H 421462A 01 through H 421462A 12	Chairman, Township Supervisors, Rural Delivery 1, Howard, Pa. 16841.	Dec. 20, 1974 July 9, 1976
Do	Montgomery	East Norristown, township of.	H 420050A 01 through H 420050A 03	Chairman, 2828 Swede St., Norristown, Pa. 19401.	June 28, 1974 July 9, 1976
Do	Luzerne	Fairview, township of.	H 420093A 01 through H 420093A 04	Chairman, 16 Johnson St., Mountaintop, Pa. 18707.	June 14, 1974
Do	Cameron	Grove, township of.	H 421128A 01 through H 421128A 11	Chairman, Box 128, Sinnamahoning, Pa. 15861.	Nov. 8, 1974 July 9, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Jefferson	Henderson, township of.	H 421729A 01 through H 421729A 04	Chairman, Rural Delivery 3, Punxsutawny, Pa. 15767.	Oct. 18, 1974 July 9, 1976
Do	Mercer	Hermitage, borough of.	H 421862A 01 through H 421862A 05	Manager, Box 1046, Sharon, Pa. 16146.	Sept. 20, 1974 July 9, 1976
Do	Westmoreland.	Jeannette, city of.	H 420882A 01	Mayor, City Hall, 2d and Clay Ave., Jeannette, Pa. 15644.	June 14, 1974 July 9, 1976
Do	Perry	Millerstown, borough of.	H 420752A 01 through H 420752A 02	Mayor, Borough Bldg., Millerstown, Pa. 17062.	Jan. 16, 1974
Do	Columbia	Mount Pleasant, township of.	H 421042A 01 through H 421042A 07	Chairman, Rural Delivery No. 1, Bloomsburg, Pa. 17815.	Aug. 2, 1974 July 9, 1976
Do	Luzerne	New Columbus, borough of.	H 421819A 01 through H 421819A 03	Mayor, Rural Delivery No. 1, Stillwater, Pa. 17878.	Nov. 1, 1974 July 9, 1976
Do	Montgomery	New Hanover, township of.	H 421914A 01 through H 421914A 06	Chairman, Rural Delivery No. 1, Gilbertsville, Pa. 19 2 .	Nov. 1, 1974 July 9, 1976
Do	Lancaster	Paradise, township of.	H 421777A 01 through H 421777A 06	Chairman, Township Supervisor, Rural Delivery No. 1, Paradise, Pa. 17562.	Sept. 6, 1974 July 9, 1976
Do	Mercer	Pine, township of.	H 422284A 01 through H 422284A 08	Chairman, Rural Delivery No. 1, Grove City, Pa. 16127.	Nov. 15, 1974 July 9, 1976
Do	Bucks	Plumstead, township of.	H 420199A 01 through H 420199A 03	Chairman, Box 14, Fountainville, Pa. 18923.	Aug. 24, 1973 July 9, 1976
Do	Lycoming	Porter, township of.	H 420656A 01 through H 420656A 03	Chairman, Rural Delivery No. 1, Jersey Shore, Pa. 17740.	May 3, 1974 July 9, 1976
Do	Lancaster	Rapho, township of.	H 421781A 01 through H 421781A 17	Chairman, Rural Delivery No. 2, Manheim, Pa. 17545.	Oct. 18, 1974 July 9, 1976
Do	Greene	Rices Landing, borough of.	H 420479A 01 through H 420479A 02	Mayor, Rural Delivery No. 1, Rices Landing, Pa. 15357.	Nov. 8, 1974
Do	Allegheny	Scott, township of.	H 421100A 01 through H 421100A 02	President, Commissioners, 301 Lindsay Rd., Carnegie, Pa. 15106.	Sept. 13, 1974 July 9, 1976
Do	Westmoreland	Sewickley, township of.	H 422193A 01 through H 422193A 09	Chairman, Township Bldg., Herminie, Pa. 15637.	June 28, 1974 July 9, 1976
Do	Crawford	Spring, township of.	H 421570A 01 through H 421570A 04	Chairman, Rural Delivery No. 3, Conneautville, Pa. 16406.	May 31, 1974 July 9, 1976
Do	Chester	Warwick, township of.	H 421494A 01 through H 421494A 03	Chairman, Township Supervisor, Rural Delivery No. 1, Elverson, Pa. 19520.	Sept. 13, 1974 July 9, 1976
Do	Bradford	Wells, township of.	H 421121A 01 through H 421121A 04	Township Secretary Township Supervisor, Rural Delivery No. 2, Gillett, Pa. 16925.	Sept. 13, 1974 July 9, 1976
Do	do	Wysox, township of.	H 420977A 01 through H 420977A 02	Chairman, Box 6, Wysox, Pa. 18854.	July 26, 1974 July 9, 1976
Do	Warren	Youngsville, borough of.	H 420844A 01 through H 420844A 03	Manager, 40 Railroad St., Youngsville, Pa. 16371.	Apr. 12, 1974 July 9, 1976
South Carolina.	Hampton	Furman, town of.	H 450098A 01 through H 450098A 02	Mayor, P.O. Box 56, Furman, S.C. 29921.	June 14, 1974 July 9, 1976
Do	Lexington	West Columbia, city of.	H 450140A 01 through H 450140A 02	Mayor, P.O. Box 44, West Columbia, S.C. 29169.	June 28, 1974 July 9, 1976
Do	York	York, city of.	H 450197A 01 through H 450197A 02	Mayor, P.O. 500, York, S.C. 29745.	May 17, 1974 July 9, 1976
Tennessee	Greene	Baileyton, city of.	H 470294 01	Mayor, P.O. Box 47, Greeneville, Tenn. 37743.	Sept. 3, 1976
Do	Campbell	Caryville, city of.	H 470298 01 through H 470298 06	Mayor, Town Hall, Caryville, Tenn. 37706.	Do.
Do	Clay	Celina, town of.	H 470032A 01	Mayor, P.O. Box 447, Celina, Tenn. 38551.	June 21, 1974 July 9, 1976
Do	Union	Luttrel, city of.	H 470209 01 through H 470209 06	Mayor, P.O. Box 51, Main St., Luttrel, Tenn. 37779.	Sept. 3, 1976
Do	Greene	Mosheim, city of.	H 470310 01 through H 470310 06	Mayor, P.O. Box 185, Mosheim, Tenn. 37818.	Do.
Do	Jefferson	White Pine, city of.	H 470332 01 through H 470332 02	Mayor, P.O. Box 66, White Pine, Tenn. 37890.	Do.
Do	Cannon	Woodbury, town of.	H 470021A 01 through H 470021A 02	Mayor, 102 Tatum St., Woodbury, Tenn. 37190.	Oct. 5, 1973
Texas	Cameron	Brownsville, city of.	H 480103A 01 through H 480103A 12	City Hall, Market Square, P.O. Box 911, Brownsville, Tex. 78520.	May 24, 1974 July 9, 1976
Do	Harris	Katy, city of.	H 480301A 01 through H 480301A 04	Mayor, City Hall, 910 Avenue D, P.O. Box 617, Katy, Tex. 77450.	June 28, 1974 July 9, 1976
Do	Angelina	Lufkin, city of.	H 480009A 01 through H 480009A 07	Mayor, City Hall, 300 East Shepard, P.O. Drawer 190, Lufkin, Tex. 75901.	Feb. 22, 1974 July 9, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lamar	Paris, city of	H 480427A 01 through H 480427A 05	Mayor, City Hall, 135 1st St., SE., Paris, Tex. 75460.	June 14, 1974 July 9, 1976
Vermont	Rutland	Clarendon, town of.	H 500093A 01 through H 500093A 12	Flood Coordinator, Creek Rd., North Clarendon, Vt. 05759.	May 31, 1974 July 9, 1976
Virginia	Southampton	Boykins, town of	H 510151A 01 through H 510151A 02	Mayor, Box 363, Boykins, Va. 23827	May 31, 1974
Do	Wise	Wise, town of	H 510179A 01 through H 510179A 05	Mayor, Box 1100, Wise, Va. 24293	May 10, 1974 July 9, 1976
Washington	King	Redmond, city of.	H 530087A 01 through H 530087A 11	Mayor, City Hall, 15670 North 85th, Redmond, Wash. 98052.	Mar. 22, 1974 July 9, 1976
West Virginia	Mingo	Gilbert, town of	H 540135A 01 through H 540135A 02	Mayor, P.O. Box 188, Gilbert, W. Va. 25261.	May 31, 1974
Do	Marshall	Glen Dale, city of.	H 540109A 01 through H 540109A 02	Mayor, 402 Weland Ave., Glen Dale, W. Va. 26038.	June 28, 1974 July 9, 1976
Do	Preston	Kingwood, city of.	H 540254 01 through H 540254 02	Mayor, P.O. Box 276, Kingwood, W. Va. 26537.	Sept. 3, 1976
Do	Mineral	Piedmont, city of	H 540131A 01	Mayor, City Hall, Piedmont, W. Va. 26750.	Aug. 23, 1974
Wisconsin	Green Lake and Waushara.	Berlin, city of	H 550166A 01 through H 550166A 02	Mayor, 108 North Capron St., Berlin, Wis. 54923.	Jan. 16, 1974 July 9, 1976
Do	Douglas	Lake Nebagamon, village of.	H 550112A 01 through H 550112A 06	Village President, Village Hall, Lake Nebagamon, Wis. 54849.	June 7, 1974 July 9, 1976
Do	Juneau	New Lisbon, city of.	H 550206A 01	Mayor, 218 East Bridge St., New Lisbon, Wis. 53950.	Dec. 17, 1973
Do	Milwaukee	Wauwatosa, city of.	H 550284A 01 through H 550284A 05	Mayor, 7725 West North Ave., Wauwatosa Memorial Civic Center, Wauwatosa, Wis. 53213.	Dec. 21, 1973 July 9, 1976
*	*	*	*	*	*
Alabama	Covington	River Falls, town of.	H 010054A 01 through H 010054A 07	Mayor, Town Hall, River Falls, Ala. 36476.	Sept. 20, 1974 July 16, 1976
Do	Talladega	Talladega, city of	H 010200A 01 through H 010200A 06	Mayor, P.O. Box 498, Talladega, Ala. 35160.	June 7, 1974 July 16, 1976
Arizona	Pima	Oro Valley, town of.	H 040109A 01	Town Engineer, 40 East Calle Concordia, Oro Valley, Ariz. 85704.	Apr. 11, 1975 July 16, 1976
California	Los Angeles	Pasadena, city of	H 065050A 01 through H 065050A 11	Director of Public Works, City Hall, 100 North Garfield Ave., Pasadena, Calif. 91109.	Aug. 2, 1974 July 16, 1976
Do	Orange	Stanton, city of	H 060234A 01 through H 060234A 02	Director of Development Services, City Hall, 7800 Katella Ave., Stanton, Calif. 90680.	June 14, 1974 July 16, 1976
Do	do	Tustin, city of	H 060235A 01 through H 060235A 07	City Engineer, City Hall, Tustin, Calif. 92680.	June 21, 1974 July 16, 1976
Colorado	Conejos	Manassa, town of	H 080253A 01	Attorney, 403 Main St., P.O. Box 62, La Jara, Colo. 81140.	Aug. 8, 1975 July 16, 1976
Connecticut	Middlesex	Haddam, town of	H 090066A 01 through H 090066A 15	Chairman, Board of Selectmen, Town Office Bldg., Saybrook Rd., Haddam, Conn. 06438.	May 31, 1974 July 16, 1976
Do	Windham	Willimantic, city of.	H 090121A 01 through H 090121A 07	City Engineer, City Hall, Willimantic, Conn. 06226.	May 10, 1974 July 16, 1976
Florida	Bay	Panama City, city of.	H 120012A 01 through H 120012A 08	Mayor, P.O. Box 1880, Panama City, Fla. 23401.	Sept. 6, 1974 July 16, 1976
Illinois	Kane	Batavia, city of	H 170321A 01 through H 170321A 02	Mayor, 101 North Island Ave., Batavia, Ill. 60510.	Sept. 10, 1976
Do	Clinton	Breese, city of	H 170046A 01	Mayor, City Hall, Breese, Ill. 62230.	June 7, 1974 July 16, 1976
Do	Cook	Des Plaines, city of.	H 170081B 01 through H 170081B 07	Mayor, 1420 Miner St., Des Plaines, Ill. 60016.	May 4, 1973 June 28, 1974 July 16, 1976
Do	Greene	Greenfield, city of	H 170252A 01	Mayor, City Hall, Greenfield, Ill. 62044.	Feb. 22, 1974 July 16, 1976
Do	La Salle	Oglesby, city of	H 170404A 01	Mayor, 128 West Walnut St., Oglesby, Ill. 61348.	May 24, 1974
Do	Henderson	Oquawka, village of.	H 170282A 01	Village President, Village Hall, Oquawka, Ill. 61469.	Nov. 7, 1973 July 16, 1976
Do	Tazewell	Pekin, city of	H 170654A 01 through H 170654A 06	Mayor, City Hall, Pekin, Ill. 61554.	Apr. 12, 1974 July 16, 1976
Do	Will	Peotone, village of.	H 170709A 01	Village President, 3d and Main Sts., Peotone, Ill. 60468.	Mar. 15, 1974
Do	Bureau	Walnut, village of	H 170017A 01	Village President, 115 South Main, Walnut, Ill. 61376.	Jan. 9, 1974 July 16, 1976
Do	Cook	Winnetka, village of.	H 170176A 01 through H 170176A 02	Village President, 510 Green Bay Rd., Winnetka, Ill. 60093.	Nov. 19, 1973 July 16, 1976
Indiana	Benton	Fowler, town of	H 180008A 01	President of the Town Board, 807 East 5th St., Fowler, Ind. 47944.	Apr. 12, 1974 July 16, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Clark	Sellersburg, town of.	H 180028A 01	President, Board of Trustees, 316 East Utica St., Sellersburg, Ind. 47172.	Nov. 23, 1973 July 16, 1976
Do	Perry	Tell City, city of	H 180197A 01 through H 180197A 02	Mayor, City Hall, Tell City, Ind. 47586.	Jan. 16, 1974 July 16, 1976
Do	St. Joseph	Walkerton, town of.	H 180232A 01	Town Board, President, 208 Maple St., Walkerton, Ind. 46574.	Nov. 23, 1973 July 16, 1976
Iowa	Plymouth	Le Mars, city of	H 190225A 01 through H 190225A 02	Mayor, City Hall, Le Mars, Iowa 51031.	Jan. 16, 1974 July 16, 1976
Do	O'Brien	Sanborn, city of	H 190651A 01	City Attorney, City Hall, Sanborn, Iowa 51248.	Sept. 19, 1975 July 16, 1976
Do	Dickinson	Terril, city of	H 190812 01	Mayor, City Hall, Terril, Iowa 51364.	Sept. 10, 1976
Kansas	Douglas	Eudora, city of	H 200080A 01	Mayor, City Hall, 4 East 7th, Eudora, Kans. 66025.	Jan. 9, 1974 July 16, 1976
Kentucky	Knott	Hindman, city of	H 210130A 01 through H 210130A 04	Mayor, P.O. Box 196, Hindman, Ky. 41822.	May 31, 1974 July 16, 1976
Do	La Rue	Hodgenville, town of.	H 210133A 01 through H 210133A 02	Mayor, Water St., Hodgenville, Ky. 42748.	May 17, 1974 July 16, 1976
Do	Kenton	Independence, city of.	H 210240A 01 through H 210240A 05	Mayor, Box 126, Independence, Ky. 41050.	Feb. 8, 1974 July 16, 1976
Do	Garrard	Lancaster, city of	H 210082A 01 through H 210082A 02	Mayor, City Hall, Lancaster, Ky. 40444.	July 19, 1974 July 16, 1976
Do	Estill	Ravenna, city of	H 210319A 01	Mayor, City Hall, Ravenna, Ky. 40472.	May 17, 1974
Louisiana	Beauregard	De Ridder, city of.	H 220027A 01 through H 220027A 06	Mayor, City Hall, De Ridder, La. 70634.	Feb. 1, 1974 July 16, 1976
Maine	Aroostook	Ashland, town of	H 230012A 01 through H 230012A 24	Selectmen, Town Hall, Ashland, Maine 04732.	June 14, 1974 July 16, 1976
Do	Somerset	Madison, town of	H 230126A 01 through H 230126A 17	Town Manager, P.O. Box 190, Madison, Maine 04950.	June 28, 1974 July 16, 1976
Do	Oxford	Norway, town of.	H 230096A 01 through H 230096A 16	Selectmen, Town Hall, Norway, Maine 04268.	Sept. 13, 1974 July 16, 1976
Massachusetts	Middlesex	Dunstable, town	H 250191A 01 through H 250191A 07	Selectmen, Town Hall, Dunstable, Mass. 01827.	Nov. 29, 1974 July 16, 1976
Do	Franklin	Greenfield, town of.	H 250118A 01 through H 250118A 09	Selectmen, Town Hall, Court Square, Greenfield, Mass. 01301.	Sept. 13, 1974 July 16, 1976
Do	Hampshire	Westhampton, town of.	H 250173A 01 through H 250173A 08	Selectmen, Town Hall, South Road, Rural Route No. 1, Easthampton, Mass. 01027.	June 28, 1974 July 16, 1976
Michigan	Wayne	Brownstown, township of.	H 260218A 01 through H 260218A 10	Township Supervisor, 21313 Telegraph, Trenton, Mich.	Aug. 23, 1974 July 16, 1976
Do	Macomb	Chesterfield, township of.	H 260120A 01 through H 260120A 09	Supervisor, 50177 North Gratiot, Mount Clemens, Mich. 48043.	June 28, 1974 July 16, 1976
Do	Berrien	Chikaming, township of.	H 260258A 01 through H 260258A 07	Supervisor, Rural Route 2, Box 247, Three Oaks, Mich. 49128.	June 28, 1974 July 16, 1976
Do	Ingham	Delhi Charter, township of.	H 260088A 01 through H 260088A 10	Township Supervisor, Township Hall, 1074 South Cedar St., Holt, Mich. 48842.	July 26, 1974 July 16, 1976
Do	Eaton	Delta Charter, township of.	H 260066A 01 through H 260066A 11	Township Supervisor, Township Hall, 7710 West Saginaw, Lansing, Mich. 48917.	Sept. 13, 1974 July 16, 1976
Do	Bay	Hampton, township of.	H 260023A 01 through H 260023A 08	Township Supervisor, Township Hall, 801 West Center Avenue Rd., Essexville, Mich. 48732.	Aug. 2, 1974 July 16, 1976
Do	Monroe	La Salle, township of.	H 260148A 01 through H 260148A 08	Supervisor, 4100 La Plaisance Rd., La Salle, Mich. 48145.	June 28, 1974 July 16, 1976
Minnesota	Sibley	Arlington, city of	H 270437A 01	Mayor, City Hall, Arlington, Minn. 55307.	May 17, 1974
Do	St. Louis	Biwabik, city of	H 270418A 01 through H 270418A 02	Mayor, Box 141, Biwabik, Minn. 55708.	Do. July 16, 1976
Do	Red Lake	Brooks, city of	H 270388A 01	Mayor, City Hall, Brooks, Minn. 56715.	Aug. 9, 1974
Do	Morrison	Buckman, city of	H 270294A 01	Mayor, City Hall, Buckman, Minn. 56317.	Do.
Do	Murray	Currie, city of	H 270313A 01	Mayor, City Hall, Currie, Minn. 56123.	Aug. 2, 1974 July 16, 1976
Do	St. Louis	Duluth, city of	H 270421A 01 through H 270421A 34	Mayor, City Hall, Duluth, Minn. 55802.	Aug. 16, 1974 July 16, 1976
Do	do	Eveleth, city of	H 270422A 01 through H 270422A 03	Mayor, P.O. Box 401, Eveleth, Minn. 55734.	June 7, 1974 July 16, 1976
Do	Sibley	Gibbon, city of	H 270439A 01	Mayor, City Hall, Gibbon, Minn. 55335.	June 21, 1974
Do	Clay	Glyndon, city of	H 270083A 01	Mayor, City Hall, Glyndon, Minn. 56547.	May 17, 1974 July 16, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Todd	Hewitt, city of	H 270478A 01	Mayor, Box 26, Hewitt, Minn. 56453.	Aug. 9, 1974 July 16, 1976
Do	Dakota	Inver Grove Heights, city of.	H 270106A 01 through H 270106A 09	Mayor, City Hall, 8650 Court House, Inver Grove Heights, Minn. 55075.	May 24, 1974 July 16, 1976
Do	Mille Lacs	Isle, city of	H 270288A 01 through H 270288A 02	Mayor, City Hall, Isle, Minn. 56342.	June 7, 1974 July 16, 1976
Do	Itasca	Keewatin, city of	H 270205A 01 through H 270205A 02	Mayor, City Hall, Keewatin, Minn. 55753.	May 3, 1974
Do	Goodhue	Kenyon, city of	H 270143A 01 through H 270143A 02	Mayor, City Hall, 714 2d St., Kenyon, Minn. 55946.	May 24, 1974 July 16, 1976
Do	Hennepin	Maple Plain, city of.	H 270170A 01	Mayor, 1620 Maple Ave., Maple Plain, Minn. 55359.	May 3, 1974 July 16, 1976
Do	Lyon	Marshall, city of	H 270258A 01 through H 270258A 03	Mayor, 344 West Main St., Marshall, Minn. 56258.	Nov. 2, 1973 July 16, 1976
Do	Marshall	Newfolden, city of.	H 270271A 01	Mayor, City Hall, Newfolden, Minn. 56738.	July 19, 1974 July 16, 1976
Do	Steele	Owatonna, city of	H 270463A 01 through H 270463A 04	Mayor, City Hall, Owatonna, Minn. 55060.	June 7, 1974 July 16, 1976
Do	Pipestone	Pipestone, city of	H 270359A 01 through H 270359A 02	Mayor, P.O. Box 586, Pipestone, Minn, 56164.	May 3, 1974
Do	Red Lake	Plummer, city of	H 270390A 01 through H 270390A 02	Mayor, City Hall, Plummer, Minn. 56748.	Aug. 23, 1974 July 16, 1976
Do	Kandiyohi	Raymond, city of	H 270222A 01	Mayor, City Hall, Raymond, Minn. 56282.	Apr. 12, 1974 July 16, 1976
Do	Redwood	Sanborn, city of	H 270394A 01	Mayor, Sanborn City Hall, Sanborn, Minn. 56083.	May 10, 1974 July 16, 1976
Do	Traverse	Tintah, city of	H 270482A 01	Mayor, City Hall, Tintah, Minn. 56583.	Aug. 9, 1974 July 16, 1976
Do	Pipestone	Trosky, city of	H 270361A 01 through H 270361A 02	Mayor, City Hall, Trosky, Minn. 56177.	Aug. 9, 1974 July 16, 1976
Do	Mower	Waltham, city of	H 270311A 01	Mayor, Box 291, Waltham, Minn. 55982.	Aug. 9, 1974
Do	Martin	Welcome, city of	H 270279A 01	Mayor, City Hall, Welcome, Minn. 56181.	May 10, 1974 July 16, 1976
Do	Carlton	Wright, city of	H 270048A 01	Mayor, City Hall, Wright, Minn. 55798.	Sept. 13, 1974
Mississippi	Sharkey	Anguilla, town of	H 280153A 01	Mayor, City Hall, Anguilla, Miss. 38721.	June 7, 1974
Do	Simpson	Braxton, village of	H 280156A 01	Mayor, Village Hall, Braxton, Miss. 39044.	July 19, 1974 July 16, 1976
Do	Bolivar	Boyle, town of	H 280015A 01	Mayor, P.O. Box 277, Boyle, Miss. 38730.	May 24, 1974
Do	Panola and Quitman.	Crenshaw, town of.	H 280127A 01	Mayor, City Hall, Crenshaw, Miss. 38621.	June 7, 1974
Do	do	Crowder, town of	H 280128A 01	Mayor, P.O. Box 97, Crowder, Miss. 38622.	Do. July 16, 1976
Do	Carroll	North Carrollton, town of.	H 280028A 01	Mayor, P.O. Box 52, North Carrollton, Miss. 38947.	June 7, 1974 July 16, 1976
Do	Leake	Walnut Grove, town of.	H 280098A 01	Mayor, Box 236, Walnut Grove, Miss. 39189.	June 28, 1974 July 16, 1976
Missouri	St. Louis	Bellrive, village of	H 290331 01	Chairman, Village Hall, Bellrive, Mo. 63121.	Sept. 10, 1976
Do	Platte	Lake Waukomis, city of.	H 290700 01	Alderman, 1047 South Shore Dr., Parkville, Mo. 64151.	Do.
New Hampshire.	Rockingham	Londonderry, town of.	H 330134A 01 through H 330134A 16	Selectmen, Town Hall, Londonderry, N.H. 03053.	Aug. 9, 1974 July 16, 1976
New Jersey	Monmouth	Freehold, township of.	H 340297A 01 through H 340297A 06	Mayor, township Bldg., Freehold. N.J. 07728.	Feb. 15, 1974 July 16, 1976
Do	Passaic	Hawthorne, borough of.	H 340400A 01 through H 340400A 02	Mayor, 445 Lafayette Ave., Hawthorne, N.J. 07506.	Nov. 30, 1973 July 16, 1976
Do	Union	Hillside, township of.	H 340456A 01	Mayor, Liberty and Hillside Ave., Hillside, N.J. 07205.	Jan. 9, 1974
Do	Cumberland	Maurice River, township of.	H 340172A 01 through H 340172A 30	Mayor, P.O. Box 218, Municipal Bldg., Leesburg, N.J. 08327.	May 31, 1974 July 16, 1976
Do	Atlantic	Port Republic, city of.	H 340016A 01 through H 340016A 03	Mayor, P.O. Box 249, Port Republic, N.J. 08241.	Aug. 23, 1974 July 16, 1976
Do	Passaic	Ringwood, borough of.	H 340407A 01 through H 340407A 09	Mayor, 60 Margaret King Ave., Ringwood, N.J. 07456.	June 28, 1974 July 16, 1976
Do	Camden	Stratford, borough of.	H 340146A 01 through H 340146A 04	Mayor, 307 Union Ave., Stratford, N.J. 08084.	Mar. 22, 1974 July 16, 1976
Do	Burlington	Westampton, township of.	H 340118A 01 through H 340118A 04	Mayor, 400 Pennington Dr., Rancocas Rd., Mount Holly, N.J.	June 28, 1974 July 16, 1976
New York	Allegany	Angelica, town of	H 361005 01 through H 361005 05	Supervisor, Town Hall, Angelica, N.Y. 14709.	Sept. 10, 1976
Do	Genesee	Batavia, city of	H 360279A 01 through H 360279A 04	Administrator, P.O. Box 32, Batavia, N.Y. 14020.	Dec. 28, 1973 July 16, 1976
Do	Allegany	Belfast, town of	H 361006A 01 through H 361006A 06	Supervisor, Belfast, N.Y. 14711.	Oct. 18, 1974 July 16, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Oneida	Bridgewater, town of.	H 360521A 01 through H 360521A 03	Supervisor, Bridgewater, N.Y. 13313.	Sept. 6, 1974 July 16, 1976
Do	Schoharie	Carlisle, town of	H 361193A 01 through H 361193A 11	Supervisor, Rural Delivery No. 2, Sharon Springs, N.Y. 13459.	Sept. 20, 1974 July 16, 1976
Do	Madison	Cazenovia, village of.	H 360394A 01	Mayor, Municipal Bldg., Cazenovia, N.Y. 13035.	Feb. 22, 1974 July 16, 1976
Do	Onondaga	Cicero, town of	H 360572A 01 through H 360572A 15	Supervisor, 8236 South Main St., Cicero, N.Y. 13039.	Nov. 1, 1974 July 16, 1976
Do	Cortland	Cincinnatus, town of.	H 360177A 01 through H 360177A 06	Town Supervisor, Town Hall, Cincinnatus, N.Y. 13040.	Apr. 5, 1974 July 16, 1976
Do	Erie	Clarence, town of.	H 360232A 01 through H 360232A 13	Supervisor, 1 Town Pl., Clarence, N.Y. 14031.	May 17, 1974 July 16, 1976
Do	Saratoga	Clifton Park, town of.	H 360713A 01 through H 360713A 07	Supervisor, Town Office Bldg., Elnora, N.Y. 12065.	May 31, 1974 July 16, 1976
Do	Cattaraugus	Conewango, town of.	H 360065A 01 through H 360065A 10	Town Supervisor, Bush Rd., Kennedy, N.Y. 14747.	June 28, 1974 July 16, 1976
Do	Ontario	Geneva, town of	H 360600A 01 through H 360600A 07	Supervisor, 32 White Springs Rd., Geneva, N.Y. 14456.	July 26, 1974 July 16, 1976
Do	Chautauqua	Gerry, town of	H 361109A 01 through H 361109A 06	Supervisor, Box 87, Gerry, N.Y. 14740.	Nov. 8, 1974 July 16, 1976
Do	Sullivan	Highland, town of.	H 360822A 01 through H 360822A 06	Town Supervisor, P.O. Box 897, Highland, N.Y. 12528.	June 21, 1974 July 16, 1976
Do	Allegany	Hume, town of	H 361007 01 through H 361007 03	Town Supervisor, 60 Emerald St., Fillmore, N.Y. 14735.	Sept. 10, 1976
Do	Cattaraugus	Humphrey, town of.	H 360078A 01 through H 360078A 04	Town Supervisor, Star Route, Great Valley, N.Y. 14741.	Aug. 30, 1974 July 16, 1976
Do	Tompkins	Ithaca, city of	H 360850A 01 through H 360850A 04	Mayor, City Hall, Ithaca, N.Y. 14850.	June 28, 1974 July 16, 1976
Do	Essex	Keene, town of	H 361151A 01 through H 361151A 36	Town Supervisor, Town Hall, Keene, N.Y. 12942.	Nov. 1, 1974 July 16, 1976
Do	Onondaga	La Fayette, town of.	H 360581A 01 through H 360581A 12	Town Supervisor, Box 212, La Fayette, N.Y. 13084.	Aug. 2, 1974 July 16, 1976
Do	Nassau	Lattingtown, village of.	H 360474A 01 through H 360474A 02	Mayor, Bayville Road, Locust Valley, N.Y. 11560.	May 17, 1974 July 16, 1976
Do	Oneida	Lee, town of	H 360532A 01 through H 360532A 06	Supervisor, Cemetery Rd., Lee Center, N.Y. 13363.	June 28, 1974 July 16, 1976
Do	Lewis	Lyonsdale, town of.	H 360371A 01 through H 360361A 06	Supervisor, Port Leyden, N.Y. 13433.	Aug. 16, 1974 July 16, 1976
Do	Delaware	Middletown, town of.	H 360 09A 01 through H 360 09A 08	Town Supervisor, New Kingston, N.Y. 12459.	Sept. 6, 1974 July 16, 1976
Do	St. Lawrence	Morristown, town of.	H 360706A 01 through H 360706A 09	Supervisor, Morristown, N.Y. 13766.	Sept. 6, 1974 July 16, 1976
Do	Ontario	Naples, town of	H 360602A 01 through H 360602A 11	Supervisor, Hickory Bottom Rd., Naples, N.Y. 14512.	Aug. 9, 1974 July 16, 1976
Do	Albany	New Scotland, town of.	H 360013A 01 through H 360013A 04	Supervisor, Rural Delivery, Slingerlands, N.Y. 12159.	May 10, 1974 July 16, 1976
Do	Suffolk	Nissequogue, village of.	H 3615101A 01 through H 3615101A 09	Mayor, Box 352, St. James, N.Y. 11780.	Nov. 22, 1974 July 16, 1976
Do	Jefferson	Orleans, town of	H 360345A 01 through H 360345A 06	Supervisor, Rural Delivery, Le Fargeville, N.Y. 13656.	May 31, 1974 July 16, 1976
Do	Otsego	Otsego, town of	H 361 76A 01 through H 361276A 18	Supervisor, Rural Delivery 1, Box 22, Fly Creek, N.Y. 13337.	Dec. 20, 1974 July 16, 1976
Do	Suffolk	Patchogue, village of.	H 360803A 01 through H 360803A 04	Mayor, 14 Barber St., P.O. Box 719, Patchogue, N.Y. 11772.	June 28, 1974 July 16, 1976
Do	Chenango	Pitcher, town of	H 361092A 01 through H 361092A 10	Supervisor, Town Hall, Pitcher, N.Y. 13136.	Sept. 20, 1974 July 16, 1976
Do	Cortland	Preble, town of	H 360185A 01 through H 360185A 08	Supervisor, Song Lake Rd., Rural Delivery 2, Tully, N.Y. 13159.	Feb. 15, 1974 July 16, 1976
Do	Suffolk	Riverhead, town of.	H 360805A 01 through H 360805A 31	Supervisor, 220 Roanoke Ave., Riverhead, N.Y. 11901.	July 26, 1974 July 16, 1976
Do	Cattaraugus	Salamanca, city of.	H 360097B 01 through H 360097B 02	Mayor, City Municipal Bldg., 225 Wildwood Ave., Salamanca, N.Y. 14779.	May 24, 1973 May 31, 1974 July 16, 1976
Do	Herkimer	Salisbury, town of.	H 360317A 01 through H 360317A 08	Town Supervisor, Salisbury Center, N.Y. 13454.	June 7, 1974 July 16, 1976
Do	Steuben	South Corning, village of.	H 360782B 01 through H 360782B 02	Mayor, 1 Clark St., Corning, N.Y. 14830.	July 13, 1973 Nov. 16, 1973 July 16, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Columbia	Taghkanic, town of.	H 361324A 01 through H 361324A 05	Town Clerk, Box 247, Craryville, N.Y. 12521.	Dec. 20, 1974 July 16, 1976
Do	Lewis	Watson, town of	H 360377A 01 through H 360377A 14	Town Supervisor, Star Route, Lowville, N.Y. 13367.	Nov. 1, 1974 July 16, 1976
Do	Ontario	West Bloomfield, village of.	H 360607A 01 through H 360607A 08	Supervisor, Box 15, West Bloomfield, N.Y. 14585.	May 10, 1974 July 16, 1976
Do	Orleans	Yates, town of	H 360645A 01 through H 360645A 09	Supervisor, 6-8 South Main St., Lindenville, N.Y. 14098.	June 28, 1974 July 16, 1976
Do	Westchester	Yorktown, town of.	H 360937A 01 through H 360937A 12	Town Supervisor, Town Hall, Yorktown Heights, N.Y. 10598.	Sept. 20, 1974 July 16, 1976
North Carolina.	Alamance	Burlington, city of.	H 370002A 01 through H 370002A 05	Mayor, P.O. Box 1358, Burlington, N.C. 27215.	June 21, 1974 July 16, 1976
Do	Gates	Gatesville, town of.	H 370104A 01	Mayor, Main St., Gatesville, N.C. 27938.	Feb. 22, 1974
Do	Gaston	McAdenville, town of.	H 370101A 01	Mayor, Main Mill Office, McAdenville, N.C. 28101.	June 21, 1974 July 16, 1976
North Dakota	Grand Forks	Emerado, city of	H 380034 01	Mayor, City Hall, Emerado, N. Dak. 58228.	Sept. 10, 1976
Ohio	Cuyahoga	Berea, city of	H 390097A 01 through H 390097A 02	Mayor, City Hall, 11 Berea Commons, Berea, Ohio 44017.	Feb. 1, 1974 July 16, 1976
Do	do	Brecksville, city of.	H 390098A 01 through H 390098A 05	Mayor, 9069 Brecksville Rd., Brecksville, Ohio 44141.	Feb. 8, 1974 July 16, 1976
Do	do	Brooklyn, city of	H 390100A 01 through H 390100A 02	Mayor, 7619 Memphis Ave., Brooklyn, Ohio 44144.	Mar. 22, 1974
Do	Sandusky	Burgoon, village of.	H 390488A 01	Mayor, 3117 Main St., Burgoon, Ohio 43407.	Aug. 2, 1974 July 16, 1976
Do	Belmont	Martins Ferry, city of.	H 390029A 01	Mayor, City Bldg., Martins Ferry, Ohio 43935.	Feb. 8, 1974
Do	Butler	Monroe, village of	H 390042A 01 through H 390042A 05	Mayor, Municipal Bldg., 2 East Elm St., Monroe, Ohio	May 17, 1974 July 16, 1976
Do	Clermont	New Richmond, village of.	H 390071A 01 through H 390071A 02	Mayor, 102 Willow St., New Richmond, Ohio 45157. village of	Mar. 1, 1974 July 16, 1976
Pennsylvania	Blair	Antis, township of.	H 421385A 01 through H 421385A 17	Chairman, Township Supervisors, 909 North 2d St., Bellwood, Pa. 16617.	Dec. 27, 1974 July 16, 1976
Do	Bradford	Athens, township of.	H 420976A 01 through H 420976A 12	Chairman, P.O. Box 276, Athens, Pa. 18810.	June 28, 1974 July 16, 1976
Do	Washington	Beallsville, borough of	H 422129A 01	Mayor, P.O. Box 6, Beallsville, Pa. 15313.	Dec. 13, 1974 July 16, 1976
Do	Tioga	Chatham, township of.	H 421173A 01 through H 421173A 21	Chairman, Township Bldg. Middlebury, Pa. 16935.	Nov. 22, 1974 July 16, 1976
Do	Lancaster	Christiana, borough of.	H 420542A 01	Mayor, 56 Broad St., Christiana, Pa. 17509.	June 28, 1974 July 16, 1976
Do	Mercer	Deer Creek, township of.	H 422476A 01 through H 422476A 06	Chairman, Rural Delivery No. 1, Sandy Lake, Pa. 16145.	Jan. 10, 1975 July 16, 1976
Do	Clearfield	Du Bois, city of	H 420303A 01 through H 420303A 02	Mayor, P.O. Box 408, Du Bois, Pa. 15801.	Apr. 12, 1974 July 16, 1976
Do	Lancaster	Earl, township of	H 421767A 01 through H 421767A 08	Chairman, Rural Delivery No. 3, New Holland, Pa. 17557.	Sept. 20, 1974 July 16, 1976
Do	Butler	East Butler, borough of.	H 420215A 01 through H 420215A 03	Mayor, Box 213, East Butler, Pa. 16029.	July 26, 1974 July 16, 1976
Do	Northumberland.	East Cameron, township of.	H 421937A 01 through H 421937A 05	Chairman, Rural Delivery No. 1, Box 62, Shamokin, Pa. 17872.	Sept. 6, 1974 July 16, 1976
Do	Crawford	Fairfield, township of.	H 421567A 01 through H 421567A 02	Chairman, Rural Delivery No. 2, Cochranton, Pa. 16314.	May 31, 1974 July 16, 1976
Do	Columbia	Fishing Creek, township of.	H 421550A 01 through H 421550A 10	Chairman, Rural Delivery No. 1, Orangeville, Pa. 17859.	Nov. 1, 1974 July 16, 1976
Do	York	Jacobus, borough of.	H 420928A 01 through H 420928A 02	Mayor, 7 Park St., Jacobus, Pa. 17407.	July 19, 1974 July 16, 1976
Do	Allegheny	Kilbuck, township of.	H 421073A 01 through H 421073A 02	Chairman, 190 Roosevelt Rd., Pittsburgh, Pa. 15202.	Sept. 13, 1974 July 16, 1976
Do	Montgomery	Lansdale, borough of.	H 420951A 01 through H 420951A 04	Mayor, West Main St., Lansdale, Pa. 19446.	June 28, 1974
Do	Bradford	Litchfield, township of.	H 421400A 01 through H 421400A 05	Chairman, Rural Delivery No. 2, Athens, Pa. 18810.	Nov. 1, 1974 July 16, 1976
Do	Clinton	Logan, township of.	H 421541A 01 through H 421541A 05	Chairman, Rural Delivery No. 2, Loganton, Pa. 17747.	Sept. 13, 1974 July 16, 1976
Do	Berks	Longswamp, township of.	H 421380A 01 through H 421380A 06	Chairman, Rural Delivery No. 1, Mertztown, Pa. 19539.	Nov. 1, 1974 July 16, 1976
Do	Northumberland.	Lower Mahanoy, township of.	H 421941A 01 through H 421941A 10	Chairman, Township Bldg., Dalmatia, Pa. 17017.	Sept. 20, 1974 July 16, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lancaster	Manor, township of (including Washington, borough of).	H 420557A 01 through H 420557A 05	Chairman, 26 Millersville Rd., Lancaster, Pa. 17603.	May 3, 1974 Mar. 22, 1976
Do	Northampton	Moore, township of.	H 420083A 01 through H 420083A 11	Chairman, Rural Delivery No. 2, Nazareth, Pa. 18064.	Aug. 2, 1974 July 16, 1976
Do	Butler	Parker, township of.	H 421219A 01 through H 421219A 03	Chairman, Township Supervisors, Rural Delivery 2, Parker, Pa. 16049.	Sept. 20, 1974 July 16, 1976
Do	Wayne	Paupack, township of.	H 421023A 01 through H 421023A 15	Chairman, P.O. Box 14, Lakeville, Pa. 18438.	Dec. 13, 1974 July 16, 1976
Do	Lycoming	Pine, township of.	H 420954A 01 through H 420954A 06	Chairman, Township Bldg., Morris, Pa. 16938.	July 26, 1974 July 16, 1976
Do	Berks	Reading, city of	H 420145A 01 through H 420145A 04	Mayor, City Hall, 8th and Washington St., Reading, Pa. 19601.	Dec. 28, 1973 July 16, 1976
Do	Elk	Ridgway, borough of.	H 420444A 01 through H 420444A 04	Mayor, P.O. Box 1493, Ridgway, Pa. 15853.	Mar. 30, 1973 July 16, 1976
Do	Lancaster	Salisbury, township of.	H 421783A 01 through H 421783A 13	Chairman, Rural Delivery 1, Gap, Pa. 17527.	Sept. 20, 1974 July 16, 1976
Do	Allegheny	Shaler, township of.	H 421101A 01 through H 421101A 05	Township Manager, 300 Wetzel Rd., Glenshaw, Pa. 15116.	May 31, 1974 July 16, 1976
Do	do	Springdale, borough of.	H 421282A 01 through H 421282A 02	Mayor, 914 Pittsburg St., Springdale, Pa. 15144.	Feb. 8, 1974 July 16, 1976
Do	Lehigh	Upper Saucon, township of.	H 420594A 01 through H 420594A 06	Township Manager, P.O. Box 278, Center Valley, Pa. 18034.	July 26, 1974 July 16, 1976
Do	Greene	Waynesburg, borough of.	H 420480A 01 through H 420480A 02	President, Borough Council, 90 East High St., Waynesburg, Pa. 15370.	June 28, 1974 July 16, 1976
Do	Carbon	Weissport, borough of.	H 420256A 01	Mayor, 231 White St. Weissport, Pa. 18235.	Jan. 16, 1974 July 16, 1976
Do	Luzerne	West Hazleton, borough of.	H 421821A 01 through H 421821A 04	Mayor, Borough Bldg., South 4th St., West Hazleton, Pa. 18201.	Nov. 1, 1974
Do	Allegheny	West Mifflin, borough of.	H 420085A 01 through H 420085A 05	Mayor, P.O. Box 24, West Mifflin, Pa. 15230.	Mar. 22, 1974 July 16, 1976
South Dakota	Union	North Sioux City, city of.	H 460087A 01 through H 460087A 02	Mayor, City Hall, North Sioux City, S. Dak. 57049.	Nov. 16, 1973 July 16, 1976
Tennessee	Sumner	Gallatin, city of	H 470185A 01 through H 470185A 05	Mayor, P.O. Box 467, Gallatin, Tenn. 37066.	Aug. 16, 1974 July 16, 1976
Do	Gibson	Humboldt, city of.	H 470059A 01 through H 470059A 02	Mayor, 1200 Main St., Humboldt, Tenn. 38343.	May 3, 1974 July 16, 1976
Vermont	Washington	Duxbury, town of.	H 500110A 01 through H 500110A 15	Chairman, Board of Selectmen, Rural Free Delivery No. 2, Waterbury, Vt. 05773.	June 28, 1974 July 16, 1976
Do	Rutland	Wallingford, town of.	H 500103A 01 through H 500103A 12	Chairman, Planning Board, Town Hall, Wallingford, Vt. 05773.	May 31, 1974 July 16, 1976
Do	Windsor	Weston, town of	H 500157A 01 through H 500157A 15	Town Selectmen, Box 72, Weston, Vt. 05161.	Dec. 20, 1974 July 16, 1976
Virginia	Fluvanna and Albermarle.	Scottsville, town of.	H 510007 01	Mayor, Town Hall, Scottsville, Va. 24590.	Sept. 10, 1976
Washington	Pierce	Sumner, city of	H 530147A 01 through H 530147A 02	Mayor, City Hall, 1104 Maple St., Sumner, Wash. 98390.	July 26, 1974
West Virginia	Marion	Farmington, town of.	H 540101A 01	Mayor, Box 67, Farmington, W. Va. 26571.	May 31, 1974 July 16, 1976
Do	Mason	Leon, city of	H 540113A 01	Mayor, City Hall, Leon, W. Va. 25123.	Sept. 6, 1974 July 16, 1976
Do	Grant	Petersburg, town of.	H 540039A 01 through H 540039A 02	Mayor, P.O. Box 666, Petersburg, W. Va. 26847.	May 7, 1974 July 16, 1976
Do	Raleigh	Sophia, town of	H 540174A 01	Mayor, Box 677, Sophia, W. Va. 25921.	June 28, 1974
Do	Nicholas	Summersville, town of.	H 540148A 01 through H 540148A 02	Mayor, 400 North Broad St., Summersville, W. Va. 26651.	June 28, 1974 July 16, 1976
Wisconsin	Dane	Cross Plains, village of.	H 550081A 01	Village President, Municipal Bldg., Cross Plains, Wis. 53528.	May 24, 1974 July 16, 1976
Do	Manitowoc	Manitowoc, city of.	H 550240A 01 through H 550240A 06	Mayor, 817 Franklin St., Manitowoc, Wis. 54220.	June 7, 1974 July 16, 1976
Do	Kenosha	Twin Lakes, village of.	H 550211A 01 through H 550211A 03	Village President, 138 Richter Ct., Twin Lakes, Wis. 53181.	June 7, 1974 July 16, 1976

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: July 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20256 Filed 7-15-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER JURISDICTION

Availability of Donated Foods for Child Nutrition Programs; Corrections

In FR Doc. 76-17701 appearing at page 24694 in the FEDERAL REGISTER of Friday, June 18, 1976, the following changes should be made:

1. In § 250.3 on page 24695, the last sentence of paragraph (g) and paragraphs (j) and (x) are corrected to read as follows:

§ 250.3 Definitions.

* * * * *

(g) "Charitable institutions" * * * For purposes of this paragraph, tax-exempt shall mean exempt from income tax under the Internal Revenue Code, as amended, and a charitable institution shall be considered "noneducational" even though educational courses are given, where such courses are an incident to the primary purpose of the charitable institution.

* * * * *

(j) "Recipient agencies" means disaster organizations, charitable institutions, nonprofit summer camps for children, schools, service institutions, welfare agencies, nutrition programs for the elderly, and nonresidential child care institutions, receiving foods for their own use or for distribution to eligible recipients.

* * * * *

(x) "Child care center" means any licensed, nonschool, public or private nonprofit organization providing day care services where children are not maintained in permanent residence, including but not limited to, day care centers, settlement houses, recreation centers, Head Start centers, and organizations providing day care services for handicapped children.

* * * * *

2. In § 250.4 on page 24696, paragraph (b) (3) is corrected to read as follows:

§ 250.4 Availability of commodities.

* * * * *

(b) *Quantities.* * * *

(3) For the fiscal year ending June 30, 1976, for the period beginning July 1, 1976 and ending September 30, 1976, and for each subsequent fiscal year, the national average value of commodities to be made available to States for distribution to nonresidential child care institutions, or cash payments in lieu thereof, shall not be less than 10 cents for each lunch and supper, adjusted on an annual basis as provided in paragraph (b) (5) of this section.

* * * * *

Dated: July 11, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20487 Filed 7-15-76;8:45 am]

PART 251—FINANCIAL ASSISTANCE FOR DISTRIBUTION OF FEDERALLY DONATED COMMODITIES

Revocation of Part

The program of financial assistance governed by Part 251 was augmented and eventually replaced by payments of operating expense funds under § 250.15 of this chapter to assist distributing agencies in administering food distribution programs for needy persons in households. The financial assistance program was terminated during the fiscal year 1973, but, because § 251.9 requires retention of program records for three years after the close of the fiscal year to which they pertain, the regulations have remained in effect. With expiration of the three-year period, Part 251 of Chapter II of Title 7 of the Code of Federal Regulations is revoked, effective July 1, 1976.

Dated: July 11, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20488 Filed 7-15-76;8:45 am]

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

[Lemon Regulation 48]

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 18-24, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.348 Lemon regulation 48.

(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 continues good this week. Average f.o.b. price was $6.28 per carton the week ended July 10, 1976, compared to $6.19 per carton the previous week. Track and rolling supplies at 214 cars were up 34 cars from last week.

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

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

hereof. Such committee meeting was held on July 13, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 18, 1976 through July 24, 1976, is hereby fixed at 295,000 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: July 14, 1976.

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

[FR Doc.76-20861 Filed 7-15-76;1:20 pm]

[Lime Reg. 7]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 18–24, 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.

§ 911.307 Lime Regulation 7.

(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 weaker this week with a declining f.o.b. price level. Fresh shipments for the weeks ended July 10, 1976, and July 3, 1976, were 31,843 bushels and 21,539 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 July 13, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 18, 1976, through July 24, 1976, is hereby fixed at 35,000 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: July 14, 1976.

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

[FR Doc.76-20862 Filed 7-15-76;1:20 pm]

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 STATE

[Docket No. SD-120]

[22 CFR Part 64]

PARTICIPATION BY FEDERAL EMPLOYEES IN CULTURAL EXCHANGE PROGRAMS OF FOREIGN GOVERNMENTS

Proposed Rulemaking

Notice is hereby given that the Department of State proposes to add a new Part 64 to Chapter I of Title 22 of the Code of Federal Regulations to promulgate regulations to facilitate the participation by Federal employees in cultural exchange programs of foreign governments as authorized under section 108A of the Mutual Educational and Cultural Exchange Act of 1961, as amended by Pub. L. 94-350 (90 Stat. 823).

This Part sets forth procedures for the application for approval of a cultural exchange program of a foreign government so that Federal employees may participate in such programs.

Interested persons may submit comments, suggestions, or objections on the proposed rule to the Assistant Secretary for Educational and Cultural Affairs, Department of State, Washington, D.C. 20520, on or before August 16, 1976.

The proposed new Part 64 will read as set forth below.

PART 64—PARTICIPATION BY FEDERAL EMPLOYEES IN CULTURAL EXCHANGE PROGRAMS OF FOREIGN GOVERNMENTS

Sec.

64.1 Purpose.
64.2 Definitions.
64.3 Submission of application.
64.4 Criteria for approval of program.
64.5 Contents of application.
64.6 Request for further information.
64.7 Approval of application.
64.8 Obligation of employee to advise agency.
64.9 Termination of approval.
64.10 Grant not to constitute a gift.

AUTHORITY: Sec. 108A (Pub. L. 94-350, 90 Stat. 823) added to the Mutual Educational and Cultural Exchange Act, as amended, 75 Stat. 527-538, 22 U.S.C. 2451, et seq.; and under Executive Order 11034, as amended, and State Department Delegation of Authority No. 104, as amended.

§ 64.1 Purpose.

This part sets forth the procedures for the application for approval of a cultural exchange program of a foreign government, so that Federal employees may participate in such program; the grant and termination of such approval; and related procedures.

§ 64.2 Definitions.

For the purpose of this part:

(a) "Federal employee" means: (1) An employee as defined by section 2105 of Title 5, United States Code; (2) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the District of Columbia; (3) a member of a uniformed service; (4) the President and Vice President; and (5) a member of the Senate or the House of Representatives, a Delegate from the District of Columbia in Congress, and the Resident Commissioner from Puerto Rico in Congress.

(b) A "foreign government" means a foreign government and an official agent or representative thereof; a group of governments and an official agent or representative thereof; an international organization composed of governments, and an official agent or representative thereof.

(c) A program of the "type described in section 102(a)(2)(i) of the Act" means a cultural exchange program involving "visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons."

(d) The "purpose stated in section 101 of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world."

(e) "Assistant Secretary" means the Assistant Secretary for Educational and Cultural Affairs, Department of State.

(f) "Department" means the Department of State.

(g) "Act" means the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

(h) "Member of the family or household" of a Federal employee means a relative of the employee by blood, marriage or adoption or any person who is a resident of the household of the employee.

§ 64.3 Submission of application.

A foreign government intending to provide grants or other assistance to facilitate the participation of Federal employees in a program of cultural exchange shall submit to the Department an application for approval of the program through its Embassy, Mission, or office at Washington, D.C. If there is no Embassy, Mission, or office at Washington, D.C. of the foreign government the application may be submitted by the home office or headquarters of the foreign government. The application shall be addressed to the Assistant Secretary.

§ 64.4 Criteria for approval of program.

To obtain approval of its program of cultural exchanges a foreign government is required to show that:

(a) The cultural exchange program is of the type described in section 102(a)(2)(i) of the Act;

(b) The cultural exchange program is conducted for a purpose comparable to the purpose stated in section 101 of the Act; and

(c) A grant under such program will not provide assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

§ 64.5 Contents of application.

The foreign government shall provide information in the application showing that its program meets the criteria set forth in § 64.4, and shall include in such application the following:

(a) Name and description of the program and the provisions of legislation or regulation authorizing the program;

(b) Number of annual United States citizen participants expected, including the number of United States Federal employees;

(c) Average duration of stay abroad;

(d) Agency of the foreign government responsible for the program;

(e) Name and address of contact in the United States with whom communication may be made with respect to the program; in the absence of such a contact in the United States, the name and address of a contact in the home office or headquarters of the foreign government.

§ 64.6 Request for further information.

The Department may request the foreign government to supply additional information.

§ 64.7 Approval of application.

The Assistant Secretary shall review the application and if satisfied that the criteria of § 64.4 are met shall inform the foreign government of the approval of its program.

§ 64.8 Obligation of employee to advise agency.

Any Federal employee receiving any offer of a grant or other assistance under a cultural exchange program approved by the Assistant Secretary shall advise

the employee's agency of such offer and shall not accept such offer unless the employee's agency states that it has no objection to such acceptance. In the case of the Department, an employee shall advise the Assistant Secretary who shall, after consultation with appropriate officials of the Department, furnish the no objection statement.

§ 64.9 **Termination of approval.**

If at any time it appears to the Assistant Secretary that the purpose of a program which has been approved has been changed so that it no longer meets the criteria of § 64.4 or that the program is being misused, the Assistant Secretary may terminate such approval, or suspend such approval pending the supplying of additional information. However, a termination or suspension shall not affect a grant which has been made under a previously approved program.

§ 64.10 **Grant not to constitute a gift.**

A grant made under an approved program shall not constitute a gift for purposes of 22 CFR 10.735–203 and section 7342 of Title 5, United States Code.

For the Secretary of State.

Dated: July 12, 1976.

WILLIAM K. HITCHCOCK,
Acting Assistant Secretary of State for Educational and Cultural Affairs.

[FR Doc.76–20594 Filed 7–15–76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Disclosure Statements, Regarding Individual Retirement Accounts, Annuities and Endowment Contracts; Public Hearing on Proposed Regulations

Proposed regulations under section 408 of the Internal Revenue Code of 1954, relating to disclosure statements regarding individual retirement accounts, annuities and endowment contracts, appeared in the FEDERAL REGISTER for April 6, 1976 (41 F.R. 14522).

A public hearing on the provisions of such proposed regulations will be held on August 12, 1976, beginning at 1 p.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by July 30, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601 (a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 6, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on August 11, 1976, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76–20696 Filed 7–15–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Proposed Expenses, Rate of Assessment and Late Payment Charges

Consideration is being given to authorizing the Oregon-California Potato Committee to spend $32,375 for its operations during the fiscal period ending June 30, 1977, and to collect three-tenths cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California and in all counties in Oregon, except Malheur County. 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 26, 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:

§ 947.229 **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 Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $32,375.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.003 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (P.L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges per month of $1.00 or one percent, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1977, may be carried over as a reserve to the extent authorized in § 947.41.

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

Dated: July 12, 1976.

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

[FR Doc.76–20603 Filed 7–15–76;8:45 am]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Identification of Certified Merchantable Filberts

Notice is given of a proposal to permit an alternative means of identifying merchantable filberts which have been inspected and certified. This action is pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 40 FR 53226, 55829), hereinafter referred to collectively as the "order". The order regulates the handling of filberts grown in Oregon and Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 982.46(a) of the order requires each handler, at his own expense, to cause filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations before or upon handling such filberts, or before they may be credited in satisfaction of a restricted obligation. Section 982.46(b) requires all filberts so inspected and certi-

fied to be identified by seals, stamps, tags or other identification prescribed by the Filbert Control Board. Identification of certified merchantable filberts is necessary to enable the Board to administer the order, including the identification of certified merchantable filberts which are to be sold in normal market channels as inshell filberts, as well as certified merchantable filberts withheld as restricted filberts.

This proposal would provide an alternative means of identifying certified merchantable filberts which are to be handled as inshell filberts, commonly referred to in the industry as "free filberts" and restricted filberts. Currently, the identification prescribed for certified merchantable filberts is limited to seals, tags and stamps and is set forth in § 982.446 of Subpart—Administrative Rules and Regulations (7 CFR 982.432—982.471). The Filbert Control Board unanimously recommended that § 982.446 be amended by adding a new paragraph (c) which would prescribe the alternative identification.

The alternative identification would consist of an outline of the combined states of Oregon and Washington with the words "This Product Inspected and Certified Per Federal Marketing Order No. 982" appearing within that outline. The identification would be imprinted directly on the bags and cartons in which free or restricted filberts are packed. It would appear on the upper right quarter of the printed side of bags (25 pounds, or more, capacity) and on the upper right quarter on one of the side panels of cartons. In order to enable the Board to exercise control against unauthorized use of this alternative means of identification, handlers would need to apply to the Board and receive its approval before using this identification.

It is also proposed that a new paragraph (d) be added to § 982.446 defining the term "free filberts" to mean merchantable filberts which have been inspected and certified, and will be handled. The term appears in proposed paragraph (c), but currently is not defined in the order or the administrative rules and regulations. The term "restricted filberts" is already defined in § 982.14 and means inshell filberts withheld in satisfaction of a restricted obligation.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 30, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27 (b)).

The proposal is to amend § 982.446 by adding new paragraphs (c) and (d) as follows:

§ 982.446 Inspection documentation.

* * * * *

(c) In lieu of the identification requirements prescribed in paragraph (b) of this section for free and restricted filberts, any handler may, upon application to and approval by the Board, use the following identification on bags (25 pounds or larger, capacity) and cartons:

(1) The words "This Product Inspected and Certified Per Federal Marketing Order No. 982" shall be contained within an outline of the combined states of Oregon and Washington; and

(2) This identification shall be printed on the upper right quarter of the printed side of a bag; or

(3) This identification shall be printed on the upper right quarter of one of the side panels of a carton.

(d) As used in this section, the term "free filberts" means merchantable filberts which have been inspected and certified and will be handled.

Dated: July 12, 1976.

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

[FR Doc.76-20604 Filed 7-15-76;8:45 am]

[7 CFR Part 1033]

MILK IN THE OHIO VALLEY MARKETING AREA

Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of termination of proceeding on proposed suspension of certain provisions of the order regulating the handling of milk in the Ohio Valley marketing area. The notice of proposed suspension was issued June 22, 1976 (41 FR 26578). Interested parties were invited to submit written data, views, or arguments with the Hearing Clerk not later than July 6, 1976.

The provisions that were proposed to be suspended for July 1976 are as follows:

In § 1033.56 that part of paragraph (a) which reads:

Unless the following conditions are met:

(1) The plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the preceding month; and

(2) A greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

STATEMENT OF CONSIDERATION

The proposed suspension would have made inoperative for July 1976 the provisions which would require the pooling under the Ohio Valley order of a plant that also met the pooling requirements of another order if such plant had its greater route disposition in the Ohio Valley marketing area in both the current month and immediately preceding month.

The request for suspension was made by a major handler under the Indiana order. The handler's Indianapolis plant, which has been continuously pooled under the Indiana order, serves stores in a number of different marketing areas. The suspension would result in the plant being pooled under the Indiana order for July even though its sales in the Ohio Valley marketing area were greater than in the Indiana marketing area for the months of June and July.

In a number of recent months the Class I distribution from the Indianapolis plant in the Ohio Valley marketing area has been greater than in the Indiana marketing area. In at least one recent month, April 1976, the plant would have been pooled under the Ohio Valley order on the basis of its greater sales (in March and April) in the Ohio Valley marketing area than in the Indiana marketing area. However, it remained pooled under the Indiana order for April as a result of a suspension action. That suspension action, which was requested by cooperatives representing a substantial majority of producers under the Indiana order, was granted primarily on the basis that the handler's greater sales in the Ohio Valley marketing area in two successive months was due to unusual circumstances and the handler's future sales from the Indianapolis plant prospectively would result in the plant's continued regulation under the Indiana order.

The operator of the Indianapolis plant contends that the suspension for July is needed to allow him more time to evaluate the various options to effect changes in the operation of the Indianapolis plant to insure that it will be pooled under the Indiana order. The handler also cited, as a basis for his request, his concern of the impact on producers under the Indiana and Ohio Valley orders that would result if a suspension were not granted.

Both the Ohio Valley and Indiana orders contain "Louisville plan" provisions with July being the last month for withholding producer money from the pool. Absent the suspension and assuming the plant continues to have greater sales in the Ohio Valley market, the money withheld from producers regularly supplying the plant in Indianapolis would be included in the set-aside under the Ohio Valley order. The handler contends that this would result in unduly depressing the pay-out under the Indiana order in the fall months if the plant was thereafter pooled under the Indiana order.

The request for suspension was supported by cooperatives representing a substantial majority of producers under the Indiana and Ohio Valley orders and by the major proprietary handlers under the Indiana order.

A handler who has substantial distribution in the Ohio Valley marketing

area from two fully regulated plants under the Ohio Valley order filed objections to the proposed suspension. He stated that the expanding sales in the Ohio Valley marketing area from the Indianapolis plant reflects that plant's current greater association with that market than with the Indiana market. In that circumstance, he argues, the Indianapolis plant should be pooled under the Ohio Valley order. He referred to the fact that the handler operating the Indianapolis plant also operates a plant in the Ohio Valley marketing area that is fully regulated under the Ohio Valley order. He suggested that if it is the intent of that handler to keep the Indianapolis plant regulated under the Indiana order, this could be done by adjustments in the distribution from that handler's Indianapolis plant and his plant under the Ohio Valley order.

The handler objecting to the suspension referred to statements at a public hearing (on May 4, 1976, in Columbus, Ohio, on proposals to amend the Ohio Valley order) by a spokesman for the Indianapolis plant operator to the effect that the necessary adjustments would be made to keep that plant pooled under the Indiana order. The objector stated that if it is the intent of the Indiana plant to remain pooled under the Indiana order for July, this can be achieved without the requested suspension, particularly since adequate time remains in July to make the necessary adjustments in distribution from that plant.

The handler opposing the suspension stated that the loss of Class I sales to the Ohio Valley order by granting a suspension would result in a greater monetary loss to Ohio Valley producers than any loss that would result from the Louisville plan take-out for July, even if the plant were regulated under the Indiana order in the 1976 fall pay-back months. He pointed out that allowing the plant to remain regulated under Indiana in July (a take-out month) provides no assurance that the plant will remain regulated under that order during the pay-back months.

Based on the fact that the Indianapolis plant's sales in the Ohio Valley marketing area in recent months have been greater than in the Indiana marketing area, it is possible that the Indianapolis plant would be pooled under the Ohio Valley order in the 1976 fall pay-back months. Certainly the handler requesting suspension has known since March that the plant's sales in the Ohio Valley market generally exceed sales in any other markets. It is not apparent that any positive action has thus far been taken by the handler to insure the plant's continued pooling under the Indiana order.

On the basis of available information, including the written views, data, and arguments submitted by interested parties, suspension for July 1976 of the provisions for pooling under this order a plant that also qualified as a pool plant under another order in the same month is not warranted. The handler who requested the suspension to keep his Indianapolis plant pooled under the Indiana order for July 1976 has ample time before the end of that month to make the necessary adjustments to achieve this end. If, however, the sales from that plant in the Ohio Valley marketing area continue to be greater than in the Indiana marketing area, as they apparently have been in at least three of the last four months, it would indicate that the plant has a greater association with the Ohio Valley marketing area than with the Indiana marketing area and should be pooled under the Ohio Valley order.

It therefore is found and determined that the proposed suspension that would result in pooling under another order for July 1976 a plant that qualified for pooling under the Ohio Valley and the other order should not be effectuated; and the proceeding begun in this matter on June 22, 1976, should be and is hereby terminated.

Signed at Washington, D.C., on: July 13, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20602 Filed 7-15-76;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 780]

REQUESTS FOR RECONSIDERATION AND APPEALS REQUIRING SPECIAL HANDLING

Appeal Regulations

Notice is hereby given that the Agricultural Stabilization and Conservation Service proposes to issue an amendment to the Appeal Regulations (7 CFR Part 780).

Interested persons are invited to submit written comments, suggestions, or objections, regarding the proposed change to the Director, Program Appeals Staff, Agricultural Stabilization and Conservation Service, Room 3732, South Building, Washington, D.C. 20250. In order to be assured of consideration, all submissions must be received not later than August 9, 1976. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (8:15 a.m. to 4:45 p.m.).

This amendment would expand § 780.11 to provide that determinations made by a State committee with respect to: the establishment of normal yields for peanuts, and (2) the disaster provisions of the rice program that a loss on a farm was due in whole or in part to causes other than the natural disaster or conditions beyond the control of the producer, are not appealable to the Deputy Administrator.

The regulations now provide that a producer who is dissatisfied with a determination of the State committee relative to an establishment of a normal yield for peanuts may appeal such determination to the Deputy Administrator.

It is proposed that § 780.11(a) of the appeal regulations, 7 CFR Part 780, be amended to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to: (1) the establishment of yields for wheat, feed grain, cotton, and normal yields for peanuts, (2) the establishment of wheat, feed grain, rice, and upland cotton allotments, (3) the establishment of conserving bases, (4) matter rising under the tobacco discount variety program, (5) eligibility provisions of the livestock feed program, and (6) the disaster provisions of the wheat, feed grain, rice and upland cotton programs that a loss on a farm was due in whole or in part to causes other than the natural disaster or conditions beyond the control of the producer, are not appealable to the Deputy Administrator.

* * * * *

Signed at Washington, D.C., July 9, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-20486 Filed 7-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 436 and 448]

[Docket No. 76N-0116]

PEPTIDE ANTIBIOTIC DRUGS

Bacitracin and Zinc Bacitracin

The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by updating and making technical changes to those regulations that provide for bacitracin- and zinc bacitracin-containing drugs intended for human use; comments by September 14, 1976.

The proposed changes are grouped into four general classes for discussion in this preamble: (1) Revocation of inactive sections or partial sections; (2) nomenclature changes; (3) changes affecting indexing and placement of sections within Part 448; and (4) technical changes.

1. *Revocations.* Five sections that are proposed to be revoked provide for the certification of bacitracin drug products that are no longer marketed. They are: § 448.110a *Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use)* (21 CFR 448.110a); § 448.110b *Bacitracin polymyxin tablets* (21 CFR 448.110b); §448.310a *Bacitracin ophthalmic* (21 CFR 448.310a); § 448.510b *Bacitracin tyrothricin ointment* (21 CFR 448.510b); and § 448.610 *Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use)* (21 CFR 448.610).

Proposed amendments to §§ 448.310b, 448.310c, 448.510a, 448.510c, and 448.510f (21 CFR 448.310b, 448.310c, 448.510a, 448.510c, and 448.510f) will delete provi-

sions for certification of certain drug products that are not being marketed. The provisions being revoked are for: Sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment; zinc bacitracin ointment (an ophthalmic product); zinc bacitracin ointment (a dermatologic product); bacitracin polymyxin ointment; and bacitracin-neomycin-polymyxin topical powder, respectively. As amended, §§ 448.310b, 448.310c, and 448.510a will continue to provide for certification of the drug products whose provisions are not being revoked. The provisions not being revoked in §§ 448.510c and 448.510f are proposed to be redesignated, as discussed in item 3. a. and b. of this preamble.

2. *Nomenclature.* "Zinc bacitracin" is rearranged to read "bacitracin zinc." This proposed change is consistent with the nomenclature used in the official publications (for example, the United States Pharmacopeia), and with FDA policy of placing the name of the salt after that of the active moiety. For clarity, this preamble will use the proposed nomenclature.

3. *Indexing and placement of sections.* A number of changes are proposed to make those sections in Part 448 that pertain to bacitracin- and bacitracin zinc-containing drugs consistent in structure with other updated parts of Subchapter D that provide for antibiotic drugs.

a. Section 448.510c provides for two drug products. Only one, bacitracin zinc-polymyxin B sulfate ointment, is being marketed; the section for it is redesignated § 448.513a (21 CFR 448.513a) to correspond to the section number of the bulk drug; and § 448.510c is proposed to be revoked.

b. Section 448.510f provides for two drug products. Only one, the product containing bacitracin zinc, is being marketed, and provisions for it have been placed in two sections so that provisions for the aerosol form are separate from those for the nonaerosol. The new sections are designated §§ 448.513d and 448.513e (21 CFR 448.513d and 448.513e), to correspond to the section number of the bulk drug. Section 448.510f is proposed to be revoked.

c. Section 448.510d provides for two drug products, both of which are marketed. The bacitracin-containing product remains as § 448.510d; the provisions for the bacitracin zinc-containing product are redesignated § 448.513b (21 CFR 448.513b) to correspond to the section number of the bulk drug.

d. Section 448.510e *Bacitracin-polymyxin-neomycin ointment* (21 CFR 448.510e) is renamed to reflect the fact that it contains bacitracin zinc and may contain hydrocortisone. It is also redesignated § 448.513c (21 CFR 448.513c) to correspond to the section number of the bulk drug.

e. Section 448.313 (21 CFR 448.313) is redesignated § 448.313b and renamed to reflect that it may contain hydrocortisone, and new § 448.313 and 448.313a (21 CFR 448.313 and 448.313a) are added.

4. *Technical changes.* In keeping with current policy, certain technical changes, based on certification experience, are proposed as part of updating the regulations.

a. Maximum potency limits are added to the dosage form monographs if they are not already specified, and lower potency limits are raised from 85 percent to 90 percent where applicable.

b. The table in § 436.105(b) (21 CFR 436.105(b)) is amended to delete bacitracin and add bacitracin zinc. Bacitracin zinc is used as the official working standard in place of bacitracin in determining the potency or purity of bacitracin and bacitracin-containing drugs. Because bacitracin zinc is now used, changes are necessary in the preparation of the working standard stock solution and in the preparation of the sample for the potency assay. Hydrochloric acid, which is used as a diluent for bacitracin zinc, has the effect of decreasing zone sizes in the microbiological agar diffusion assay. This effect produces inaccurately high potency assay results unless the same amount of acid present in the standard solution is added to the sample solution. Therefore, the proposed regulations provide for the addition of hydrochloric acid where appropriate in the preparation of the sample solution.

c. The turbidimetric potency assay method is deleted. This method produces inaccurate results and is not used in FDA laboratories.

d. The moisture limit is reduced from 1.0 percent to 0.5 percent in the following sections: §§ 448.310b, 448.310c, 448.510a, 448.510d (21 CFR 448.510d), and the redesignated 448.513b.

e. A nonsterile bulk drug monograph, § 448.10 (21 CFR 448.10), is added to establish a reference for nonsterile dosage forms.

f. As an added assurance of quality, provision for an identity test, § 436.319 (21 CFR 436.319), is established and is referenced in all the bacitracin and bacitracin zinc bulk drug monographs.

Also as part of updating the antibiotic regulations, tests and methods of assay prescribed in the bacitracin regulations are revised to make reference to the general methods in Part 436, rather than to the monographs for bulk drugs or other dosage forms.

g. Sections 448.910(a)(2) and 448.913(a)(2) (21 CFR 448.910(a)(2) and 448.913(a)(2)) provide for containers of 5 million units bacitracin for prescription compounding and bacitracin zinc for prescription compounding, respectively. The Commissioner has previously approved containers of 500,000 units of bacitracin and bacitracin zinc and therefore is updating those sections to provide for container sizes that have been approved for marketing.

h. Although the limit for heavy metals content for sterile bacitracin is retained in the bulk drug monograph for sterile bacitracin, the reference to its intended use in systemic drugs is deleted. The individual monographs for ophthalmic products, which are non systemic and which do not require consideration of heavy metals content, reflect the exemption from the heavy metals limit.

i. The medium used in §§ 448.513d and 448.513e for the determination of the microorganism count has been changed to reflect the medium used in the official method as performed in FDA laboratories.

The Commission has reviewed the potential environmental impact of the proposed amendments and has concluded that the proposed action will not significantly affect the quality of the human environment, and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed amendments and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and the Guidelines issued by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration, at the address below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Parts 436 and 448 as follows:

§ 436.20 Sterility test methods and procedures.

* * * * *

(c) * * *

(14) *Medium N.*

Pancreatic digest of casein	grams	15.0
Peptic digest of soybean meal	do	5.0
Sodium chloride	do	5.0
Agar	do	15.0
Water	milliliters	1,000

pH 7.3±0.2 after sterilization.

* * * * *

2. In § 436.105(b) in the table, by deleting the item "Bacitracin" and by alphabetically inserting the following new item:

§ 436.105 Microbiological agar diffusion assay.

* * * * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 436.101(a))	Standard response line concentrations: Final concentration units or milligrams per milliliter	Standard response line concentrations: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
*	*	*	*	*	*	*	*
Bacitracin zinc	1	----------	0.01 *N* HCl	100 units	Use same day	1	0.64, 0.80, 1.0, 1.25, 1.56 units.
*	*	*	*	*	*	*	*

3. In Subpart F by adding new § 436.319 to read as follows:

§ 436.319 Thin layer chromatography identity test for bacitracin and bacitracin zinc.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide, equipped with a glass solvent trough in the bottom and a tight-fitting cover for the top. Line the inside walls of the tank with Whatman 3MM chromatographic paper or equivalent.

(2) *Plates.* Use a 20- by 20-centimeter thin layer chromatography plate coated with silica gel G or equivalent to a thickness of 250 micrometers. Activate the plate by heating for 20 minutes at 110° C. Allow to cool to room temperature and use immediately.

(b) *Reagents*—(1) *Developing solvent.* Mix *n*-butanol, water, pyridine, glacial acetic acid, and ethyl alcohol in volumetric proportions of 60:10:6:15:5, respectively.

(2) *Spray solution.* Dissolve I gram of ninhydrin in a mixture of 1 milliliter of pyridine and sufficient *n*-butanol to make 100 milliliters.

(c) *Preparation of spotting solutions.* Prepare solutions of the sample and working standard, each containing 6.0 milligrams of bacitracin per milliliter in 1 percent disodium ethylenediamine tetraacetic acid in water.

(d) *Procedure.* Pour the developing solvent into the glass trough on the bottom of the tank and onto the paper lining the walls of the tank. Cover and seal the tank. Allow it to equilibrate for at least 30 minutes. Prepare a plate as follows: On a line 2.0 centimeters from the base of the silica gel plate, and at intervals of 2.0 centimeters, spot approximately 1.0 microliter of the standard solution to points 1 and 3. When these spots are dry, apply approximately 1.0 microliter of sample solution to points 2 and 3. After all spots are thoroughly dry, place the base of the silica gel plate directly into the glass trough in the chromatography tank. Cover and seal the tank. Allow the solvent front to travel approximately 13 centimeters from the starting line. Remove the plate from the tank, and allow it to air dry. After the plate is dry, spray lightly with the spray solution. The plate may take 1 hour or more to develop at room temperature. The development may be speeded up by warming the plate in a 110° C oven.

(e) *Evaluation.* The sample and standard should have spots of corresponding R_f value (approximately 0.26) and standard and sample combined should appear as a single spot of corresponding R_f value.

B. Part 448 is amended as follows:

1. In Subpart A, by adding new § 448.10 to read as follows:

§ 448.10 Bacitracin.

(a) *Requirements for certification*—(1) *Standards of identi y, strength, quality, and purity.* Bacitracin is a white to brown, neutral water-soluble polypeptide. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5 percent.

(iv) Its pH in an aqueous solution containing 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(v) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 1.0 gram.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10,000 units per milliliter.

(5) *Identity.* Proceed as directed in § 436.319 of this chapter.

2. Section 448.10a is revised to read as follows:

§ 448.10a Sterile bacitracin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin is a white to brown, neutral water-soluble polypeptide. It is so purified and dried that:

(i) Its potency is not less than 50 units per milligram. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of units of bacitracin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 5 percent.

(vi) Its pH in an aqueous solution containing 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(vii) Its residue on ignition is not more than 3.0 percent.

(viii) It passes the identity test.

(ix) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, residue on ignition, identity, and heavy metals.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 1 gram.

(2) For sterility testing: 1 package, containing approximately 12 grams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypoder-

mic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 1 to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 300 units of bacitracin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10,000 units per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(8) *Identity.* Proceed as directed in § 436.319 of this chapter.

(9) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

3. Section 448.13 is revised to read as follows:

§ 448.13 Bacitracin zinc.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5 percent.

(iv) Its pH is not less than 6.0 and not more than 7.5.

(v) Its zinc content is not more than 10 percent by weight on an anhydrous basis.

(vi) It passes the identitfy test.

(2) *Labeling.* In addition to the labeling requirements of § 432.5 of this chapter, each package shall bear on the outside wrapper or container and the immediate container the statement "For use only in the manufacture of nonparenteral drugs".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(ii) Samples required: 10 packages, each containing approximately 1.0 gram.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

NOTE.—The final sample solution must contain the same amount of hydrochloric acid as the reference concentration of the working standard.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated solution (approximately 100 milligrams of the sample per milliliter).

(5) *Zinc content.* Proceed as directed in § 436.312 of this chapter.

(6) *Identity.* Proceed as directed in § 436.319 of this chapter.

4. Section 448.13a is amended by revising the section heading and the introductory text of paragraph (a)(1), by adding new paragraph (a)(1)(vii), by revising paragraph (a)(3)(i), and by adding new paragraph (b)(7) to read as follows:

§ 448.13a Sterile bacitracin zinc.

(a) *Requirement for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile bacitracin zinc is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

* * * * *

(vii) It passes the identity test.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, safety, loss on drying, pH, zinc content, and identity.

* * * * *

(b) * * *

(7) *Identity.* Proceed as directed in § 436.319 of this chapter.

§ 448.110a [Revoked]

5. Section 448.110a. *Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use)* is revoked.

§ 448.110b [Revoked]

6. Section 448.110b *Bacitracin polymyxin tablets* is revoked.

§ 448.310a [Revoked]

7. Section 448.310a *Bacitracin ophthalmic* is revoked, and the section designation is reserved.

8. Section 448.310b is revised to read as follows:

§ 448.310b Bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment contains bacitracin, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The bacitracin used conforms to the standards prescribed by § 448.10a(a)(1), except pyrogens, residue on ignition, and heavy metals. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) of this chapter, except pyrogens. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except pyrogens, residue on ignition, and heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*d*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assays—*(1) *Potency—*(i) *Bacitracin content.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample

and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed is § 436.105 of this chapter, except add to each concentration of the polymyxin standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

9. Section 448.310c is revised to read as follows:

§ 448.310c Bacitracin ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin ophthalmic ointment contains bacitracin in a suitable and harmless ointment base. Each gram contains 500 units of bacitracin. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The bacitracin used conforms to the standards prescribed by § 448.10a(a)(1), except pyrogens, residue on ignition, and heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

10. Section 448.313 is revised and redesignated § 448.313b and a new § 448.313 *Bacitracin zinc ophthalmic dosage forms* is added to read as set forth below.

§ 448.313 Bacitracin zinc ophthalmic dosage forms.

11. Section 448.313a is added to read as follows:

§ 448.313a Bacitracin zinc-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-polymyxin B sulfate ophthalmic ointment contains in each gram 500 units of bacitracin and 10,000 units of polymyxin B in a suitable and harmless ointment base. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of bacitracin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The bacitracin zinc used conforms to the standards prescribed by § 448.13a(a)(1). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The batch for bacitracin content, polymyxin B content, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well.

Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01*N* hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01*N* hydrochloric acid, add sufficient additional hydrochloric acid to each concentration of the standard response line so that each standard solution contains the same amount of acid as the final sample solution.) Remove an aliquot and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6) and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

12. Section 448.313b, as revised and redesignated from former § 448.313, is added to read as follows:

§ 448.313b Bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment is bacitracin zinc, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains:

(i) 400 units of bacitracin, 3.5 milligrams of neomycin, 5,000 units of polymyxin B with or without 10 milligrams of hydrocortisone acetate; or

(ii) 500 units of bacitracin, 3.0 milligrams of neomycin, and 10,000 units of polymyxin B.

Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The bacitracin zinc used conforms to the standards prescribed by § 448.13a(a)(1). The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) of this chapter, except pyrogens. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except pyrogens, residue on ignition, and heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*d*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01*N* hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01*N* hydrochloric acid, add sufficient additional hydrochloric acid to each concentration of the standard response line so that each standard solution contains the same amount of acid as the 1.0 unit per milliliter sample solution.) Remove an aliquot and further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of 3 more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

13. Section 448.510a is revised to read as follows:

§ 448.510a Bacitracin ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin ointment is composed of 500 units of bacitracin per gram in a suitable ointment base. It may contain a suitable local anesthetic. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain.

Its moisture content is not more than 0.5 percent. The bacitracin used conforms to the standards prescribed by § 448.10(a)(1), except safety.

(2) *Labeling*—(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that conforms to the requirements prescribed by § 432.5(a)(3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1) and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 448.510b [Revoked]

14. Section 448.510b *Bacitracin-tyrothricin ointment* is revoked, and the section designation is reserved.

§ 448.510c [Revoked]

15. Section 448.510c *Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment* is revoked, and the section designation is reserved.

16. Section 448.510d is revised to read as follows:

§ 448.510d Bacitracin-neomycin sulfate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin sulfate ointment contains bacitracin and neomycin sulfate in a suitable ointment base. Each gram contains 500 units of bacitracin and 3.5 milligrams of neomycin. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. The moisture content is not more than 0.5 percent. The bacitracin used conforms to the standards prescribed by § 448.10(a)(1), except safety. The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter, except safety.

(2) *Labeling*—(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that conforms (a)(3) of this chapter.
to the requirements prescribed by § 432.5

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The neomycin sulfate used in making the batch for potency loss on drying, pH, and identity.

(*c*) The batch for bacitracin content, neomycin content, and moisture.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

17. Section 448.510e is revised to read as follows:

§ 448.510e Bacitracin-neomycin sulfate-polymyxin B sulfate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin sulfate-polymyxin B sulfate ointment, in a suitable and harmless ointment base, contains in each gram the following:

(i) 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B;

It may contain a suitable local anesthetic. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more tha 130 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. Its moisture content is not more than 0.5 percent. The bacitracin used conforms to the standards prescribed by § 448.10(a)(1), except safety. The enomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter, except safety. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1), except safety.

(2) *Labeling*—(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each ingredient contained in the drug.

(*c*) An expiration date that conforms to the requirements prescribed by § 432.5(a)(3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certifications; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*d*) The batch: A minimum of 7 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and either until homogeneous. Add 20 to 25 milliliters of 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumertic flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 448.510f [Revoked]

18. Section 448.510f *Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical* is revoked.

19. Section 448.513 is added to read as set forth below.

§ 448.513 Bacitracin zinc dermatologic dosage forms.

20. Section 448.513a is added to read as follows:

§ 448.513a Bacitracin zinc-polymyxin B sulfate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-polymyxin B sulfate ointment contains bacitracin zinc and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 500 units of bacitracin and 10,000 units of polymyxin B. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of bacitracin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain. Its moisture content is not more than 0.5 percent. The bacitracin zinc used conforms to the standards prescribed by § 448.13(a)(1), except safety. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1), except safety.

(2) *Labeling*—(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that conforms to the requirements prescribed by § 432.5 (a)(3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, loss on drying, pH, zinc content, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The batch for bacitracin content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing equal portions of approximately 1.0 gram.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01*N* hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01*N* hydrochloric acid, add sufficient additional hydrochloride acid to each concentration of the standard response line so that each standard solution contains the same amount of acid as the 1.0 unit per milliliter sample solution.) Remove an aliquot and further dilute with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient solution 1 to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the

reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass lbender jar containing 1.0 milliliter polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

21. Section 448.513b is added to read as follows:

§ 448.513b Bacitracin zinc-neomycin sulfate ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-neomycin sulfate ointment contains bacitracin zinc and neomycin sulfate in a suitable and harmless ointment base. Each gram contains 500 units of bacitracin and 3.5 milligrams of neomycin. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. Its moisture content is not more than 0.5 percent. The bacitracin zinc used conforms to the standards prescribed by § 448.13(a)(1), except safety. The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter, except safety.

(2) *Labeling—*(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that conforms to the requirements prescribed by § 432.5 (a)(3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, loss on drying, pH, zinc content, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The batch for bacitracin content, neomycin content, and moisture.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01*N* hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01*N* hydrochloric acid, add sufficient additional hydrochloric acid to each concentration of the standard response line so that each standard solution will have the same amount of acid as the final sample solution.) Remove an aliquot and further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

22. Section 448.513c is added to read as follows:

§ 448.513c Bacitracin zinc-neomycin sulfate-polymyxin B sulfate ointment; bacitracin zinc-neomycin sulfate-polymyxin B sulfate hydrocortisone ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* This drug, in a suitable and harmless ointment base, contains in each gram the following:

(i) 400 units of bacitracin, 3.0 milligrams of neomycin, 8,000 units of polymyxin B; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, 5,000 units of polymyxin B with and without 10 milligrams of hydrocortisone acetate.

Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. Its moisture content is not more than 0.5 percent. The bacitracin zinc used conforms to the standards prescribed by § 448.13(a)(1), except safety The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter, except safety. The polymyxin B sulfate used conforms to the standards perscribed by § 448.30(a)(1), except safety.

(2) *Labeling.* If it contains a steroid, it shall be labeled in accordance with the requirements of § 432.5 of this chapter. If it does not contain a steroid, each pack-

age shall bear on its label or labeling, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The name and quantity of each active ingredient contained in the drug.

(iii) An expiration date that conforms to the requirements prescribed by § 432.5 (a) (3) of this chapter.

(iv) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, loss on drying, pH, zinc content, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*d*) The batch: A minimum of 7 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01*N* hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01*N* hydrochloric acid, add sufficient additional hydrochloric acid to each concentration of the standard response line so that each standard solution contains the same amount of acid as the 1.0 unit per milliliter sample solution.) Remove an aliquot and further dilute with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows:

(*a*) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(*b*) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

23. Section 448.513d is added to read as follows:

§ 448.513d Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical powder contains bacitracin zinc, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless base. Each gram contains 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain. Its moisture content is not more than 7.0 percent. It contains not more than an average of 10 microorganisms per gram. The bacitracin zinc used conforms to the standards prescribed by § 448.13(a)(1). The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30 (a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, moisture, and a microorganism count.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(b) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(c) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(d) The batch: A minimum of 12 immediate containers.

(b) *Tests and methods of assay*—(1) Potency—(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Wash an accurately weighed sample (usually 2 grams) into a 100-milliliter volumetric flask with 0.01*N* hydrochloric acid. Dilute to volume with 0.01*N* hydrochloric acid. Further dilute an aliquot with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

NOTE: The final sample solution must contain the same amount of hydrochloric acid as the reference concentration of the working standard.

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend an accurately weighed representative portion of the sample (usually 1 gram) for 3 to 5 minutes in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Dissolve an accurately weighed representative portion of the sample (usually 1 gram) in 20 milliliters of sterile distilled water. Wash into an appropriate-sized volumetric flask with 10 percent potassium phosphate buffer, pH 6.0 (solution 6). Further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Microorganism count*—(i) *Conduct of test for bacteria.* Using approximately 200 milligrams of powder from each of five separate immediate containers, proceed as directed in § 436.20(e)(1) of this chapter, except after the three washings transfer the entire filter membrane to the surface of medium N as described in § 436.20(c)(14) of this chapter. Incubate the plate for 7 days at 30° C to 32° C. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Conduct of test for molds and yeasts.* Proceed as directed in § 436.20(e)(1) of this chapter, using approximately 200 milligrams from each of the five containers tested, except transfer the entire filter membrane to the surface of medium N as described in § 436.20(c)(14) of this chapter, and incubate at 22° C to 25° C for 7 days. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

24. Section 448.513e is added to read as follows:

§ 448.513e Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical aerosol.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical aerosol is bacitracin zinc, neomycin sulfate, polymyxin B sulfate in a suitable and harmless vehicle, packaged in a pressurized container with suitable and harmless inert gases. Each container contains 8,000 units of bacitracin, 70 milligrams of neomycin, and 100,000 units of polymyxin B. Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain. Its moisture content is not more than 0.5 percent. It contains not more than an average of 10 microorganisms per gram. The bacitracin zinc used conforms to the standards prescribed by § 448.13(a)(1). The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin zinc used in making the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*d*) The batch for bacitracin content, neomycin content, polymyxin B content, moisture, and a microorganism count.

(ii) Samples required:

(*a*) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(*d*) The batch: A minimum of 12 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlenmeyer flask, held in a horizontal position. Add 500 milliliters of 0.01*N* hydrochloric acid and shake to dissolve the contents. Immediately remove aliquots of this sample solution and proceed as directed in paragraph (b)(1)(i) (*a*), (*b*), and (*c*) of this section for each antibiotic to be tested.

(*a*) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the sample solution with 1 percent potassium phosphate buffer, pH 6.0 solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

NOTE: The final sample solution must contain the same amount of hydrochloric acid as the reference concentration of the working standard.

(*b*) *Neomycin content.* Proceed as directed in § 436.105 of this chapter. Further dilute the sample solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*c*) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Further dilute the sample solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 10.0 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Microorganism count*—(i) *Conduct of test for bacteria.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Into an empty, sterile Erlenmeyer flask, stoppered with a cotton plug, spray about one-half of the contents of each of five separate immediate containers by removing the cotton plug temporarily and using aseptic technique. Allow the propellant to evaporate. To the dry residue, which should not exceed 1 gram, add 500 milliliters of diluting fluid C as described in § 436.20(d)(3) of this chapter. Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, proceed as directed in § 436.20(e)(1)(ii) of this chapter, except after the three washings transfer the entire filter membrane to the surface of medium N as described in § 436.20(c)(14) of this chapter. Incubate the plate for 7 days at 30° C to 32° C. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Conduct of test for molds and yeasts.* Proceed as directed in paragraph (b)(3)(i) of this section, except transfer

the entire filter membrane to the surface of medium N as described in § 436.20(c)(14) of this chapter, and incubate at 25° C for 7 days.

§ 448.610 [Revoked]

25. Section 448.610 *Bacitracin tablets; zinc bactiracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use)* is revoked.

26. Section 448.910 is revised to read as follows:

§ 448.910 Bacitracin for prescription compounding.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin for prescription compouding is a white to brown, neutral, water-soluble polypeptide intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5.0 percent.

(iv) Its pH in an aqueous solution containing 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(v) It passes the identity test.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the United States Pharmacopeia (U.S.P.). It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 500,000 or 5 million units of bacitracin.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of units of bacitracin activity in each milligram and the number of grams of bacitracin in the immediate container.

(v) The statement "Expiration date --------", the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless the use of a longer dating period has been approved in accordance with § 432.5(a)(3) of this chapter.

(vi) The statement "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription".

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use".

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, and identity.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10,000 units per milliliter.

(5) *Identity.* Proceed as directed in § 436.319 of this chapter.

27. Section 448.913 is revised to read as follows:

§ 448.913 Bacitracin zinc for prescription compounding.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin zinc for prescription compounding is the zinc salt of a kind of bacitracin or a mixture of two or more such salts intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5.0 percent.

(iv) Its pH in a saturated aqueous solution is not less than 6.0 and not more than 7.5.

(v) Its zinc content is not more than 10 percent by weight on an anyhdrous basis.

(vi) It passes the identity test.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the United States Pharmacopeia (U.S.P.). It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 500,000 or 5 million units of bacitracin.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of units of bacitracin activity in each milligram of the zinc bacitracin, and the number of grams of zinc bacitracin in the immediate container.

(v) The statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless use of a longer dating period has been approved in accordance with the provisions of § 432.5(a)(3) of this chapter.

(vi) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription".

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use".

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

NOTE: The final sample solution must contain the same amount of hydrochloric acid as the reference concentration of the working standard.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated solution (approximately 100 milligrams of the sample per milliliter).

(5) *Zinc content.* Proceed as directed in § 436.312 of this chapter.

(6) *Identity.* Proceed as directed in § 436.319 of this chapter.

Interested persons may, on or before September 14, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 12, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-20512 Filed 7-15-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

PROPOSED STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Additional Issue, Sputum Cytology, To Be Considered at Informal Public Hearing

The Occupational Safety and Health Administration (OSHA) announced on June 24, 1976 in the FEDERAL REGISTER (41 FR 26029, republished on June 25, 1976, 41 FR 26229) the availability of the technological feasibility and inflationary impact statement for inorganic arsenic, the receipt of specific new evidence, the opportunity for the public to submit comments on those matters, and the scheduling of an informal public hearing. Because there has already been an extensive opportunity for the public to participate in formulating an inorganic arsenic standard, the announcement stated that presentations at the hearing should be limited to new data, views and information on the inflationary and economic impact of the proposal, and on the new evidence.

In the proposed standard for inorganic arsenic, sputum cytology is not required (40 FR 3392, 3041-3402; January 21, 1975), and the preamble concluded that the necessity for sputum cytology is more appropriately determined by the examining physician (40 FR 3398, 3403). However, since that time, new evidence regarding sputum cytology has come to OSHA's attention from the coke oven emissions proceedings. Therefore, OSHA believes that the issue of whether sputum cytology should be required in a final standard on inorganic arsenic is an appropriate issue for the forthcoming hearing.

Sputum cytology is a medical screening technique whereby cells in the sputum are examined to determine whether cancerous or pre-cancerous changes have occurred. This technique may increase the chances of early detection and successful treatment of respiratory cancer. A substantial body of medical literature suggests that sputum cytology has now reached the stage where it may provide a valuable adjunct to chest x-rays in the early detection of respiratory cancer in high risk groups. It has potential for detecting cases not revealed by x-rays and repetition at periodic intervals increases the detection rate. The literature is reviewed and there is an extensive bibliography in an article by S. M. Brooks, "Early Detection of Lung Cancer in High Risk populations," *Journal of Occupational Medicine*, 17:19, January 1975 and in his statement presented at the coke oven hearing.

On the other hand, a number of comments were received during the coke oven proceeding suggesting that sputum cytology is not a sufficiently proven technique; that it does not detect a large enough number of cases to be worthwhile; and that, at best, it is applicable to the highest risk populations. See T. Mancuso, "Testimony Given before the Standards Advisory Committee on Coke Oven Emission," January 18, 1975 Pittsburgh, Pa. and R. J. Halen, "Pulmonary Cytology—Background," Standards Committee on Coke Oven Emissions, Document No. 162. The materials cited in this notice have been placed in the inorganic arsenic record and are available for public inspection and copying at the OSHA Technical Data Center at the below address.

Interested persons are invited to submit written data, information, comments and views with respect to the use of sputum cytology for medical surveillance of workers exposed to inorganic arsenic, the frequency and methodology of the screening, and the groups to be tested. Such comments should be submitted in quadruplicate to the Docket Officer, Docket No. OSH-37 (Sputum Cytology), Technical Data Center, New Department of Labor Building, Room N3620, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (Telephone: 202-523-8076), where they will be available for public inspection and copying. Comments should be postmarked on or before August 16, 1976.

Persons wishing to testify in regard to sputum cytology at the informal public hearing scheduled to begin at 9:30 a.m. on August 24, 1976 must submit a notice of intention to appear postmarked on or before August 16, 1976, to the OSHA Committee Management Office, Docket No. OSH-37 (Sputum Cytology), Room N-3633, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (Telephone: 202-523-8024). The notices of intent to appear, which will be available for inspection and copying in the Office of Committee Management, must contain the following information:

(1) The name, address and telephone number of the person(s) to appear;

(2) The capacity in which the person(s) will appear;

(3) The approximate amount of time required for the presentation; and

(4) A detailed statement of the position and evidence on sputum cytology which will be presented at the hearing.

The amount of time requested must be reasonable in relation to the amount of evidence to be introduced. All submissions received, including data, views and arguments, and notices of intent to appear, will be made a part of the record of this proceeding.

The hearing will be held in the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. No mail should be sent to that address.

The above filing requirements and dates only apply to comments or testimony in regard to sputum cytology. Comments and testimony relating to all other relevant issues must fully comply with the procedures specified in the June 24 and June 25 notice of hearing, including the July 23, 1976 deadline for filing comments and notices of appearance (41 FR 26029 or 26229).

(Secs. 4(b), 6(b) and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653(b), 655(b), 657), 29 CFR Part 1911 and Secretary of Labor's Order No. 8-76 (41 FR 25054, June 22, 1976).)

Signed at Washington, D.C., this 14th day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20713 Filed 7-15-76;8:45 am]

[Docket No. SCP-1]

TOXIC SUBSTANCES; KETONES

Proposed Standards for 2-Butanone, 2-Pentanone, Cyclohexanone, Hexone, Methyl n-Amyl Ketone, Ethyl Butyl Ketone; Certification and Availability of Inflationary Impact Analyses; Notice of Informal Hearing

Purpose. The purposes of this notice are to certify that the potential inflationary impact of each proposed standard for the above listed toxic substances has been examined, to announce the availability of the inflationary impact analyses for public inspection and copying, to invite written comment and to schedule a hearing date for receipt of of oral testimony on the issues set out below. These procedures are in accordance with the special compliance procedure established by the Council on Wage and Price Stability pursuant to section 6(c) of OMB Circular No. A-107 (January 28, 1975), issued pursuant to Executive Order 11821.

Background. On May 8, 1975, a notice of proposed rulemaking regarding occupational exposure to the six ketones listed above was published in the FEDERAL REGISTER (40 FR 20202). Interested persons were invited to submit written comments, data, views and arguments as well as notices of intention to appear at an informal hearing to begin August 5, 1975. The comment period was subsequently extended (40 FR 26054) and the ently etended (40 FR 26045) and the informal hearing was rescheduled and began on September 3, 1975.

By notice published in the FEDERAL REGISTER on August 29, 1975, interested persons were invited to comment on the potential inflationary impact of each of the six proposals (40 FR 39895). This notice also stated that OSHA intended to prepare an inflation impact statement on each proposed standard or a certification that each proposal has no inflationary impact, and that the hearings would be reconvened after such documents became available for public inspection and comment for the receipt of further testimony on the subjects of economic and inflationary impacts.

In accordance with section 6(b) of the Act, Executive Order 11821 (39 FR 41501, November 29, 1974), OMB Circular No. A-107 (January 28, 1975), and Secretary's Order No. 15-75 (40 FR 54484, November 24, 1975), OSHA has analyzed the economic and potential inflationary impact of each proposal. Based on the economic identification criteria specified in section 5(c) of Secretary's Order No. 15-75, OSHA has concluded that each proposed regulation is

not a major action which would necessitate further inflationary impact analysis or the preparation of an Inflationary Impact Statement, and so certifies pursuant to section 4(a) of the Secretary's Order.

The inflationary impact analyses based on the proposed standards are available for public inspection and copying at the following address: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3620, 3rd and Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202-523-8076). Persons interested in purchasing copies of the inflationary impact analyses may contact the Technical Data Center for information.

Issues. OSHA has determined that the economic and inflation impact of each proposed standard on ketones should be considered in the rulemaking proceedings. In this portion of the rulemaking proceedings on the proposed standards for ketones, OSHA is inviting written comments and oral presentations on subjects relating to economic and inflationary impact and particularly on the following subjects considered in the inflationary impact analyses:

(1) Cost impact on consumers, businesses, markets or Federal, State or local government;
(2) Effect on the productivity of wage earners, businesses, or government;
(3) Effect on competition;
(4) Effect on supplies of important materials, products, or services;
(5) Effect on employment; and
(6) Effect on energy supply or demand.

In addition, comments are also invited on the benefits to be derived from each proposed standard.

Public participation. Interested persons are invited to comment on and to testify concerning the issues raised in this notice. Written data, views, and arguments must be submited in quadruplicate to the Docket Officer, Docket No. SCP-1, Room N-3620, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, and postmarked on or before August 16, 1976. Written submissions must clearly identify the issues addressed and the position to be taken with respect to each issue discussed. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received shall be made a part of the record of this proceeding.

An informal public hearing will be held beginning on Tuesday, September 14, 1976, in the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. 20210 for receipt of oral testimony concerning the issues discussed above.

Persons desiring to appear at the hearing, including those who previously filed notices of appearance for the hearing which commenced on September 3, 1975, must file a notice of intention to appear, postmarked on or before August 16, 1976, with Ms. Jeanne Werner, OSHA Committee Management Office, Docket No. SCP-1, Room N-3633, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202-523-8024). The notices of intention to appear, which will be available for inspection and copying at the OSHA Committee Management Office, must contain the following information:

(1) The name, address, and telephone number of the persons to appear;
(2) The capacity in which the person will appear;
(3) The approximate amount of time required for the presentation;
(4) The specific issues that will be addressed;
(5) A detailed statement of the position that will be taken with respect to each issue addressed; and
(6) A detailed statement of the evidence with respect to each such issue proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. Therefore, the notices of intention to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position.

Persons filing notices of intention to appear which are not sufficiently detailed will be so informed and given seven (7) days from the date they are informed to file a proper notice of intention to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of that fact. The participant will have seven (7) days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

In addition to submitting appropriate and timely notices of intention to appear, those persons intending to submit prepared written statements or documents for the record at the hearing must submit such documents in quadruplicate by September 10, 1976. These documents must be received by Ms. Jeanne Werner, OSHA Committee Management Office, by the close of business Friday, September 10, 1976.

The hearing will commence at 9:30 a.m. on September 14, 1976, with the resolution of any procedural matters relating to the proceeding. The hearing will be conducted and decisions made in accordance with 29 CFR Part 1911.

The Administrative Law Judge presiding at the hearing shall have all the powers necessary or appropriate to conduct a full and fair informal hearing, including the powers:

(1) to regulate the course of the proceedings;
(2) to dispose of procedural requests, objections, and comparable matters;
(3) to confine the presentations to matters pertinent to the proposed standard;
(4) to regulate the conduct of those present at the hearing by appropriate means;
(5) in his discretion, to question and permit questioning of any witness; and
(6) in his discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a final standard will be issued based on the entire record in this proceeding.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059); Secretary of Labor's Order No. 15-75 (40 FR 54484), Executive Order 11821 (39 FR 41501).)

Signed at Washington, D.C. this 14th day of July, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20714 Filed 7-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 373]

[SPDR-46; Docket 28586; Dated: July 13, 1976]

STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 373 of its Special Regulations (14 CFR Part 373) which would provide that Study Group Charters operated by "educational institutions," as defined therein, need not include round-trip air transportation and the prepaid cost of meals and sleeping accommodations for all participants, if such charters are operated in conjunction with academic programs lasting a minimum of 70 days abroad. Also under consideration are amendments which would authorize the transportation of the "immediate family" of a married student participating in a Study Group Charter, and which would remove, in certain circumstances, the requirement that participants prefile itineraries for "independent travel."

The principal features of the proposed amendments are described in the Explanatory Statement and the proposed amendments are set forth in the proposed rules. The amendments are proposed under the authority of sections 101, 204, 401 and 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 754 and 757, 49 U.S.C. 1301, 1324, 1371 and 1372).

Interested persons may participate in the rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 16, 1976, will be considered by the Board before taking final action on the proposed rules. Copies of

such communications will be available for examination by interested parties in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

The Study Group Charter rule includes certain requirements which are designed to ensure the financial protection of student participants while they are studying abroad. In proposing the rule originally, the Board was primarily concerned with the financial stability of so-called commercial study group charterers;[1] and thus, in the final rule,[2] the Board excluded bona fide "educational institutions"[3] from certain of these financial security requirements, just as it excluded them from various classroom and reporting requirements imposed on commercial study group charterers, reasoning as follows:

> First, since study group charters operated by bona fide schools and colleges appear limited in scope and are conducted on a relatively small scale, the risk that the undertaking will founder financially while the participants are abroad appears minimal. Second, if for no more altruistic reason than to preserve its good name, it is unlikely that a responsible American school would sponsor a foreign study program without being assured that the program was sound, that revenues would cover expenses, and that the school itself could underwrite any unanticipated shortfall. Third, in the event of a stranding of students abroad or other unforeseen calamity, the financial resources of a bona fide school or college would be available to come to the rescue of its own study group.

As for Board-imposed study group curricula, it is presumed that the governing body of a school study charterer will thoroughly screen all study group courses sponsored by the school to insure that the curricula offered meet high academic standards. Thus, no regulatory purpose would be served by requiring the school charterer to adhere to mandatory classroom and hour requirements, or inded to report its planned curricula to the Board.

Although Part 373 was thus primarily directed toward commercial study group charterers, educational institutions have become the predominant operators of study group charters under that Part. In fact, in 1975 only one study group charter program was filed by a commercial operator under Part 373. Apparently, commercial charterers now operate their study group programs in conjunction with bona fide universities or under our other special charter regulations.

Several colleges and universities[4] which operate study group charters under Part 373 have petitioned to amend that Part. They request that the Board amend Part 373 so as to permit educational institutions to operate certain study group charters with the following features:

1. No provision for return transportation.[5]

2. No provision for meals and sleeping accommodations.

3. No requirement that participants submit to the charterer independent travel itineraries prior to departure.

4. The "immediate family" of a student participant may be transported on the study group charter.

Under the amendments suggested by the petitioners, charters with such features would only be permitted when operated by educational institutions, in conjunction with academic programs abroad lasting a minimum of 70 days (the normal length of an academic quarter). The sponsoring educational institution would have to certify its financial responsibility for the participants which they are enrolled in the program, and while they remain abroad for a period not less than two weeks after the program ends.[6]

In support of the suggested amendments, petitioners contend that the present round-trip requirement makes it difficult for universities sponsoring long-term study-abroad programs to provide participants with low-cost air transportation. Petitioners assert that, because students who participate in such long-term programs often desire to remain abroad various lengths of time after the completion of their studies, their SGC arrangements rarely involve the provision of return transportation to the United States. Moreover, petitioners note, the Board has actually granted numerous waivers authorizing the operation of oneway study group charters as proposed herein by petitioners. Petitioners therefore request that the Board amend the rule so as to authorize such one-way charters in connection with long-term study programs operated by responsible educational institutions, and thereby eliminate the necessity of filing for waivers.

Similarly, petitioners assert that the present requirement that the charter price to each participant must include a provision for meals and sleeping accommodations was primarily designed to protect students against default by commercial study group charters. Such a requirement need not apply, they argue, if the sponsoring educational institution certifies its responsibility for the participants and guarantees that all participants have sufficient funds to provide themselves with meals and sleeping accommodations for the duration of the program. Moreover, petitioners state, many students want to change their living accommodations once they have adjusted to the new environment abroad.

With respect to the requirement that each participant who desires to engage in independent travel submit to the charterer, prior to departure, a planned itinerary for the charterer's approval, petitioners argue that this requirement is unenforceable since there is no way to prevent students from deviating from their itineraries.

In support of their request to allow the immediate family of a student participant to be transported on the study group charter, petitioners point out that married participants in long-term study-abroad programs often desire to be accompanied by their immediate families. However, Part 373 presently prohibits transportation of such a student's family on the study group charter flight. This has often resulted in married students being separated from their families for long periods of time unless they obtain alternate transportation for the family. Petitioner argues that the proposed amendment would alleviate this unnecessary hardship to married students. According to the proposal, "immediate family" would be defined as the spouse and minor dependents of a student participant who live in the participant's household.

The Board has decided to grant the petition, but with the modifications set forth below.

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[1] SPDR-20, November 3, 1970, 35 FR 17195.

[2] SPR-46, adopted March 30, 1971, 36 FR 6577.

[3] "Educational institution" is defined in § 373.2 as "a bona fide school or college which (1) maintains a full-time salaried faculty on a year-round basis; (2) maintains a permanent educational plant, including classrooms and a library; (3) maintains an enrollment of students in programs other than 'study group' charter programs in excess of the enrollment of students in 'study group' charter programs; (4) does not receive more than 10 percent of its total revenues from payments for study group charter flights and ground accommodations related thereto; (5) is empowered to grant college degrees or secondary school diplomas by the Government of one of the 50 States, the District of Columbia, or a U.S. territory or possession, and offers a full course of study meeting all the requirements for such degree or diploma; and (6) is so constituted in the utilization of capital, physical plant and personnel as to be primarily engaged in the educational process when viewed against all other activities or businesses * * *."

[4] California State University and Colleges, University of California, Carleton College, University of Colorado, University of Connecticut, Earlham College, Heidelburg College, Illinois State University, Indiana University, Middlebury College, Oberlin College, Sara Lawrence College, St. Lawrence University, Syracuse University, Virginia Polytechnic Institute, University of Wisconsin, Stanford University, Guilford College, Rutgers University, and Central College.

[5] The rule would also be amended so as to include an interpretative amendment to the definition of "study group charter" set forth in § 373.2. Although the Board has in the past construed Part 373 to require that study group charters be operated on a round-trip basis, this requirement has not been clearly stated in the rule. To make this point explicit, a new requirement (3) would be added to the definition of "study group charter," stating that such charters must be operated on a round-trip basis.

[6] See Amendment No. 1 to the petition of Various Universities and Colleges, filed on April 21, 1976.

As amended, the petition proposed that if the charter price does not include a provision for a return charter flight, or for meals or sleeping accommodations, the sponsoring educational institution shall certify that it will be fully responsible for ensuring and guaranteeing that participating students will have sufficient funds for transportation, food, and lodging, during a period ending not less than two weeks after the study-abroad program ends. However, in programs that do not involve return charter flights, it may not be clear when the sponsoring institution no longer has the responsibility to ensure that the participants are provided with return transportation, meals, and sleeping accommodations. This proposal would therefore require that the promotional materials for any one-way study group charter clearly set forth a date certain on which such responsibilities will cease.

Educational institutions should recognize that this proposal, as requested by the petitioning colleges and universities, entails a significant new responsibility for them. By their undertaking filed with the Board, educational institutions would be bound, until the date specified therein (no less than two weeks after completion of the study program), to provide return transportation, as well as meals and sleeping accommodations, for participants requiring such assistance. If any educational institution should wish to avail itself of these special provisions, in lieu of the normal provisions which have been designed as prepaid round-trip study group "packages" in order to avoid strandings and other hardships to students without funds, then the Board would fully expect that institution to strictly honor its commitment to avoid all such hardships as may arise during the period of its written undertaking. Of course, the institution would be free to make arrangements with participants, either before or after the trip, for the reimbursement of any money paid under its guarantee, but the Board shall regard the institution as the direct and primary obligor.

Whatever the features of a particular study group charter program, the promotional materials would be required to indicate clearly whether the charter price includes return transportation, meals, and sleeping accommodations.

In proposing to add these new special provisions for SGC's operated by educational institutions, we are also proposing a new § 373.10a which would contain all of the special provisions applicable to such study group charters. The existing special provisions, which are currently set forth as provisos to various sections of the part, would thus all be collected in the new section.

PROPOSED RULE

It is proposed to amend Part 373 of the Board's Special Regulations (14 CFR Part 373) as follows:

A. The table of contents would be amended to read as follows:

* * * * *

Subpart B—Conditions and Limitations

373.10 Study group statement.
373.10a Study group charters conducted by educational institutions.
373.11 Discrimination.

* * * * *

§ 373.2 [Amended]

B. Section 373.2, *Definitions*, would be amended as follows:

1. A new definition of "immediate family" would be added, in proper alphabetical sequence, to read:

"Immediate family" means persons who are living in the same household as the student participant, and who are either married to or minor dependents of the student participant.

2. The definition of "independent travel" would be amended by inserting, after the words "*Provided, however,* That," the phrase "except as provided in § 373.10a," so that the definition would read as follows:

"Independent travel" means travel abroad by student participants, at their own expense, during any period of travel not included in the charterer's itinerary: *Provided, however,* That, except as provided in § 373.10a, the study group charterer shall * * *

3. The definition of "Study group charter" would be amended to read:

"Study group charter" means a charter by a study group charterer, or, with respect to study groups which originate in a foreign country, by a foreign study group charterer, for the carriage on a direct air carrier of persons traveling in air transportation as a study group, and which, except as provided in § 373.10a, meets all of the following requirements:

(1) The group qualifies as a study group as defined herein.

(2) A minimum of 4 weeks must elapse between departure and return.

(3) The charter must be on a round-trip basis.

(4) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided,* That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats.

(5) Except for periods of independent travel, as defined in this section, the price to each participant shall include at a minimum, at least two meals per day, and all sleeping accommodations, and necessary air or surface transportation between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, and tuition.

(6) The promotional materials distributed by a study group charterer which offers a period or periods of independent travel, as defined in this section, shall clearly indicate that the price of the study group program, as quoted to the student participant, does not cover the provision of any services or facilities during or in connection with independent travel.

4. The proviso in the definition of "educational institution" in § 373.2 would be deleted so that the definition would read as follows:

"Educational institution" means a bona fide school or college which * * * (6) is so constituted in the utilization of capital, physical plant and personnel as to be primarily engaged in the educational process when viewed against all other activities or businesses.

C. Section 373.10 would be amended by inserting the phrase "Except as provided in § 373.10a" at the beginning of paragraph (b)(1), and by deleting the proviso at the end of the section, to read as follows:

§ 373.10 Study group statement.

(b) * * *

(1) Except as provided in § 373.10a, no study group charter shall be operated * * *

* * * * *

(8) Samples of the solicitation material proposed by the study group charterer (all advertising and solicitation materials employed by the study group charterer shall state the name of the direct air carrier to be utilized.)

D. A new § 373.10a would be added immediately following § 373.10, to read as follows:

§ 373.10a Study group charters conducted by educational institutions.

The provisions of this section apply only to an educational institution that submits to the Board (Supplementary Services Division, Bureau of Operating Rights) a statement, signed by its president, certifying that it meets the definition of "educational institution" set forth in § 373.2.

(a) An educational institution conducting a study group charter need not comply with the requirements of §§ 373.10(b), 373.10(c) or 373.15.

(b) The following provisions apply to study group charters conducted by an educational institution in connection with an academic study-abroad program program lasting at least 70 days:

(1) The educational institution need not comply with the requirement for submission of an itinerary contained in the first proviso of the definition of "independent travel" set forth in § 373.2.

(2) A student participant's immediate family may be transported as part of the study group.

(3) The charter price to each participant need not include return transportation, meals, or sleeping accommodations if, prior to departure, the sponsoring educational institution submits to the Board (Supplementary Services Division, Bureau of Operating Rights) a statement, signed by its president, certifying that the sponsoring institution assumes the responsibility of ensuring that participants are in fact provided with meals, sleeping accommodations, and return transportation until a specified date certain, not earlier than two weeks after the end of the study-abroad program.

(4) Promotional materials distributed by an educational institution conducting study group charters shall conform to

the requirements set forth in the definition of "study group charter" in § 373.2, and in addition shall clearly indicate whether return transportation, meals, or sleeping accommodations are included in the charter price. Unless return transportation, meals, and sleeping accommodations are included in the charter price, the promotional materials shall clearly indicate a date certain (not earlier than two weeks after the ending date of the study-abroad program) on which the responsibility of the sponsoring institution to ensure that participants abroad are provided with meals, sleeping accommodations, and return transportation ceases.

E. Section 373.15, *Surety Bond*, would be amended by inserting the phrase "or in § 373.10a," in paragraph (b), and by deleting the proviso at the end of the section, to read as follows:

§ 373.15 Surety Bond.

(a) Except as provided in paragraph (b) of this section, or in § 373.10a, the study group charterer shall * * *

* * * * *

(d) The bond required by this section shall provide that unless the student participant files a claim with the study group charterer, or, if he is unavailable with the surety, within sixty (60) days after termination of the study group charter, the surety shall be released from all liability under the bond to such student participant. The contract between the study group charterer and the student participant shall contain notice of this provision.

[FR Doc.76-20580 Filed 7-15-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 418]

[FRL 581-5]

EFFLUENT GUIDELINES AND STANDARDS

Urea and Ammonium Nitrate; Fertilizer Manufacturing Point Source Category

Notice is hereby given that the Environmental Protection Agency, (EPA) is proposing to amend 40 CFR 418, Fertilizer Manufacturing Point Source Category; Subpart C—Urea Subcategory, §§ 418.30, 418.32, 418.33 and 418.35; and Subpart D—Ammonium Nitrate Subcategory, §§ 418.40, 418.42, 418.43 and 418.45 as set forth below.

40 CFR 418 was promulgated on April 8, 1974 (39 FR 12832) pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b), and 1317(c)); 86 Stat. 816 et. seq.; P.L. 92-500. On June 23, 1975 (40 FR 26275) Subpart D—Ammonium Nitrate Subcategory was suspended until further notice. On August 20, 1975 (40 FR 36337) Subpart C—Urea Subcategory was amended. The suspended sections of Subpart D—Ammonium Nitrate Subcategory will be reinstated at the time these amendments are promulgated.

Industry has contended that EPA's data base for urea and ammonium nitrate manufacture was inadequate for establishing effluent limitations. In response to this contention EPA has made a written request to essentially all the urea and ammonium nitrate plants in the United States for process information, production rates, raw waste loads, treatment system descriptions, and treated effluent data.

Responses were received from 47 plants producing urea, ammonium nitrate or both. This represented 78% of the urea manufacturing capacity and 70% of the ammonium nitrate manufacturing capacity. To analyze the data received, the industry was categorized by product and process. Treatment systems and process differences were examined. Effluent data were reduced to consistent units and variability of performance was studied. Plants with performance better than the median value for each of the controlled pollution parameters were averaged to determine the long term effluent waste load for each pollutant. These long term waste loans were multiplied by the variability factors to derive the effluent limitations.

The urea subcategory was subdivided into plants making solutions only and plants making a prilled or granulated product. Best practicable control technology currently available (BPT) for solutions producing plants is based on the average of 5 of the 11 plants submitting applicable data. BPT for plants that prill or granulate their product is based on the average of 5 of 11 plants submitting applicable data. Best available technology economically achievable (BAT) for solutions producing plants is based on the average of the best 4 urea plants. Plants 108 and 109, the 2 best plants producing urea as a solution only, were used in computing this average. Plant 109 did not analyze for organic nitrogen and, consequently, no data for this parameter were available. In order to broaden the data base, plants 140 and 146, the 2 best plants producing solid urea, were also used. These plants were included along with the solutions only plants since they produce urea solution prior to the prilling operation. BAT for plants that prill or granulate their products is the average of the best 3 plants. The new source performance standard (NSPS) is established as the same as BAT since there are now plants performing at this level.

This regulation supersedes the regulation for urea published August 20, 1975 (40 FR 36337). The organic nitrogen limitation for this regulation is lower than in the previous regulation because the loss from rainfall runoff is now excluded from coverage by this regulation.

For ammonium nitrate, BPT is based on the average of 11 of 28 plants submitting applicable data. No plants using ion exchange treatment technology were included in this determination. For BAT, the average of the best 5 plants was used. Two of these plants use ion exchange treatment technology but the others achieve good results without its use. NSPS is established as the same as BAT since there are now plants performing at this level.

The previous regulation subdivided ammonium nitrate limitations for plants that make solutions and plants that prill or granulate their product. It would be expected that plants making solutions would have lower discharges since prilling and granulation are additional process steps. However, the data indicate that plants making solutions actually have slightly higher discharges. For this reason, the plants making all forms of ammonium nitrate were combined in establishing the limitations.

The data on which these regulations are based are summarized in Appendix A to this preamble. As indicated below, additional data and information are available at the EPA Public Information Unit.

Variability of performance was evaluated for the 5 plants manufacturing urea and the 6 plants manufacturing ammonium nitrate which submitted data suitable for this purpose. The pollution parameters for which variability factors were calculated are ammonia-N and organic-N for urea production and ammonia-N and nitrate-N for ammonium nitrate production. For all pollution parameters for each of the 11 operations, statistical analysis utilizing appropriate computer programs was used to determine if the data more closely fit a normal or log-normal distribution. Statistical analysis of the historical data was then used to predict a value of the effluent waste load with which the plant would be in compliance at least 99% of the time. This 99th percentile waste load was divided by the long term average of that particular pollution parameter to obtain the variability factor. Two variability factors were determined for each of the polution parameters. The first gives the maximum variation of the average of 30 consecutive days above the long term average. The second gives the maximum variation of any one day above the long term average.

The variability factors for all of the urea operations were averaged to give representative numbers for both of the pollution parameters. Likewise, the variability factors for all of the ammonium nitrate operations were averaged. Variability factors by product, plant, and pollution parameter are tabulated in Appendix A. It should be noted that while the data submitted for each of the 11 operations could be used for determining the variability of the average of 30 consecutive days, the data from 4 of these operations were not suitable for calculating the variability of any one day. These variability factors, which are based on currently available data and used in these amendments, seem excessively high for a well controlled pollution abatement operation. With continuing improvement of pollution control in this industry, it is expected that data providing the basis for more stringent variability factors will become available.

A number of the plants for which data were submitted appear to have performed significantly more poorly than others with similar facilities. The Agency has

considered this situation and has found no factor to explain this difference other than variation in the quality of performance. The Agency will continue to consider this question during the comment period.

Shipping losses and precipitation runoff were excluded from both the urea and ammonium nitrate regulations as indicated in the amended applicability sections. These items are of an intermittent nature and can be readily controlled. They cannot be related to a unit of production at this time because data are not available.

The age of plants was considered, but does not provide a basis for subdivision. Some of the older plants appear to be among the best performers.

The technology to achieve the limitations in the proposed amendment is readily available and currently in use. It is described in the manual entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Manufacturing Point Source Category" available from the Government Printing Office, Washington, D.C. for a nominal fee.

The economic impact for the urea and ammonium nitrate subcategories was presented with the promulgation of the regulations on April 8, 1974. The "Economic Analysis of Effluent Guidelines—Fertilizer Industry" contains the complete results of the study and is available from the National Technical Information Service, Springfield, Virginia. Since that time the performance of the specified technology has been reviewed. The less stringent regulations proposed here reflect the broadened data base concerning the performance of the technology. Thus, this change in effluent limitations does not affect the cost of achieving the standards. The economic impact is, therefore, the same as previously estimated. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

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

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guidelines, EPA solicits suggestions as to what and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before August 16, 1976, will be considered.

Dated: July 1, 1976.

RUSSELL E. TRAIN,
Administrator.

PREAMBLE APPENDIX A

The following data summarize the information used as a basis for the limitations and standards proposed herein. Original data and other information are available at the EPA Public Information Unit.

(a) Urea Subcategory (Subpart C).

Best practicable control technology currently available (BPT) for solutions producing plants is based on the average of 5 of the 11 plants submitting applicable data. The performance of the plants used in this determination is as follows:

Plant	Organic nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
108	0.0043	.0043
109	NA	.102
111	0.043	.319
141	0.054	.231
130	0.193	NA
Long-term average	0.074	.164
Average of 30 d	0.27	.43
Daily maximum	0.50	.85

The numbers for the Average of 30 days and the Daily Maximum were derived from the long term average by using the variability factors listed in this appendix. Taking Organic Nitrogen as an example:

Average of 30 days = Long Term Average × Variability Factor .074 × 3.6 = .27

Daily Maximum = Long Term Average × Variability Factor .074 × 6.7 = .50

BPT for plants that prill or granulate their product is based on the average of 5 of 11 plants submitting applicable data. The performance of the plants used in this determination is as follows:

Plant	Organic nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
140	0.044	0.066
112	0.63	NA
146	.129	0.057
137	.224	0.079
110	.310	0.501
Long-term average	.154	0.176
Average of 30 d	.55	0.46
Daily maximum	1.03	0.92

Best available technology economically achievable (BAT) for solutions producing plants is based on the average of the best 4 plants. The performance of the best plants used in this determination is as follows:

Plant	Organic nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
108	0.0043	0.0043
109	NA	.102
140	0.044	.066
146	0.129	.057
Long-term average	0.059	.057
Average of 30 d	0.21	.15
Daily maximum	0.40	.30

BAT for plants that prill or granulate their products is the average of the best 3 plants. The performance of the best plants used in this determination is as follows:

Plant	Organic nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
140	0.044	0.066
112	.063	NA
146	.129	.057
Long-term average	.079	.062
Average of 30 d	.28	.16
Daily maximum	.53	.32

The new source performance standard (NSPS) is established as the same as BAT since there are now plants performing at this level.

(b) Ammonium Nitrate Subcategory (Subpart D).

For ammonium nitrate, BPT is based on the average of 11 of 28 plants submitting applicable data. No plants using ion exchange treatment technology were included in this determination. The performance of the plants used in this determination is as follows:

Plant	Nitrate nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
113	0.0	0.0
125	.0110	.0134
111	.0607	.201
143	.063	.184
116	.0748	.0243
130	.178	.260
138	.178	.294
135	.198	.096
137	.379	.218
131	.408	.352
118	.510	.370
Long-term average	.188	.183
Average of 30 d	.36	.35
Daily maximum	.66	.66

For BAT, the average of the best 5 plants was used. Two of these plants use ion exchange treatment technology but the others achieve good results without its use. The performance of the best plants used in this determination is as follows:

Plant	Nitrate nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)	Ammonia nitrogen pounds per 1,000 lb (kilograms per 1,000 kg)
113	0.0	0.0
125	.0110	0.134
108	.0124	.0160
109	.0186	.0212
116	.0748	.0243
Long-term average	.023	.015
Average of 30 d	.04	.03
Daily maximum	.08	.05

NSPS is established as the same as BAT since there are now plants performing at this level.

Variability factors related to long-term average

[Urea plants]

Plant No.	Organic nitrogen		Ammonia nitrogen	
	Maximum average for 30 consecutive days	Maximum for 1 day	Maximum average for 30 consecutive days	Maximum for 1 day
104	2.32		2.80	
110	4.05	5.86	2.88	4.22
125	3.05	4.23	1.64	2.17
137	3.70	8.99	2.44	6.45
141	4.68	7.90	3.15	7.95
Average	3.6	6.7	2.6	5.2

[Ammonium nitrate plants]

Plant No.	Nitrate nitrogen		Ammonia nitrogen	
	Maximum average for 30 consecutive days	Maximum for 1 day	Maximum average for 30 consecutive days	Maximum for 1 day
104	2.07		2.51	
125	2.06	2.56	1.64	2.17
132	1.56		1.64	
137	2.01	4.25	2.44	6.45
138	2.05		1.86	
139	1.78	3.70	1.40	2.13
Average	1.9	3.5	1.9	3.6

SUMMARY OF PARTICIPATION WITH INDUSTRY

A presentation concerning objectives and plans for development of these regulations was made to a meeting of the Environmental Committee of the Fertilizer Institute that was widely attended by manufacturers of urea and ammonium nitrate. The Fertilizer Institute detailed by letter, points of concern for the consideration in developing these regulations. A copy of the submissions received from the inquiry to industry was made available to the technical consultant for the petitioners who reviewed the data and made a written comment. The issues raised in this industry participation were evaluated and incorporated where appropriate, in development of these proposed regulations.

1. Section 418.30 is amended to read as follows:

§ 418.30 Applicability; description of the urea subcategory.

The provisions of this subpart are applicable to the manufacture of urea. Discharges from shipping losses and precipitation runoff are excluded.

2. In § 418.32 paragraphs (a) and (b) are amended to read as follows:

§ 418.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(a) The following limitations constitute the maximum permissible discharge for urea manufacurting operations in which urea is produced as a solution product:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.85	0.43
Organic nitrogen (as N)	0.50	.27
pH	Within the range 6.0 to 9.0.	

(b) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is prilled or granulated:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.92	0.46
Organic nitrogen (as N)	1.03	.55
pH	Within the range 6.0 to 9.0.	

3. Section 418.33 is amended to read as follows:

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

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

(a) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is produced as a solution product:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units) kilograms per 1,000 kg of product) (English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.30	0.15
Organic nitrogen (as N)	0.40	.21
pH	Within the range 6.0 to 9.0.	

(b) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is prilled or granulated:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.32	0.16
Organic nitrogen (as N)	0.53	.28
pH	Within the range 6.0 to 9.0.	

4. In § 418.35 paragraphs (a) and (b) are amended to read as follows:

§ 418.35 Standards of performance for new sources.

* * * * *

(a) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is produced as a solution product:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilogram per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.30	0.15
Organic nitrogen (as N).	0.40	.21
pH	Within the range 6.0 to 9.0.	

(b) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is prilled or granulated:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.32	0.16
Organic nitrogen (as N).	0.53	.28
pH	Within the range 6.0 to 9.0.	

5. Section 418.40 is amended to read as follows:

§ 418.40 Applicability; description of the ammonium nitrate subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of ammonium nitrate. Discharges from shipping losses and precipitation runoff are excluded.

6. Section 418.42 of the ammonium nitrate subcategory is amended to read as follows:

§ 418.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.06	0.35
Nitrate (as N)	0.66	.36
pH	Within the range 6.0 to 9.0.	

7. Section 418.43 of the ammonium nitrate subcategory is amended to read as follows:

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

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

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.05	0.03
Nitrate (as N)	0.08	.04
pH	Within the range 6.0 to 9.0.	

8. Section 418.45 of the ammonium nitrate subcategory is amended to read as follows:

§ 418.45 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of product) English units (pounds per 1,000 lb of product)		
Ammonia (as N)	0.05	0.03
Nitrate (as N)	0.08	.04
pH	Within the range 6.0 to 9.0.	

[FR Doc.76-20498 Filed 7-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[FCC 76-646; Docket No. 20870]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Licensing Policies and Procedures

1. The Commission has become increasingly aware of significant problems in the licensing of carriers in the Domestic Public Land Mobile Radio Service (DPLMRS). The DPLMRS is characterized by entities offering mobile telephone, dispatch, and paging services to the public for hire. These entities provide service by use of radio channels and are regulated by the Commission under Title III and Title II of the Act. In addition many state utilities commissions regulate entry, rates, and services of DPLMRS carriers at the local level. At the present time an applicant before the Commission for new, additional or modified facilities, if opposed, may expect a delay neither the applicant nor the public has use of the facilities. We believe that revision of our DPLMRS licensing policies and procedures can result in significant reductions in the delay and expense presently involved in DPLMRS licensing, and we believe that these reductions will translate into greate availability of services and lower overall costs for the public.

2. One of the most common sources of delay in this service is the common practice of filing petitions to deny the application for a radio license. These petitions often allege that the service proposed by the applicant is unneeded or that any need for communications services that exists in the community can be met by the existing carriers in the market. The need standards applied to DPLMRS applications grew primarily out of two cases, Long Island Paging[1]

[1] Edith V. Joyce, et al., d/b/a Long Island Paging, 30 F.C.C. 2d 405 (Review Board 1971).

and New York Telephone Company.[2] Presently an applicant is required to demonstrate that there exist significant unserved communications needs in the market in which he intends to operate. This can be demonstrated by submitting a list of persons who desire his service or indirectly by the use of surveys and projections. The applicant is not required to demonstrate that this demand cannot be met by existing carriers in the market. The presence or absence of need can be a question that requires a significant time for resolution and may even require hearing proceedings. Petitions may also allege that the operations of the petitioner and the applicant are economically mutually exclusive. That is, that the entry of the applicant will result in economic injury to the existing carrier. Presumably this economic injury results in injury to the public. Again, substantial time can be expended in the resolution of this issue.

3. Another common allegation made by protestants is that the applicant lacks the legal or financial qualifications for a Commission license. We believe that a lack of specificity and certainty in the standards applicable may have made resolution of these questions more difficult and time consuming than is necessary.

4. Section 21.13(f) of our Rules provides that an applicant for DPLMRS facilities must submit with his application a state certificate or franchise if one is required by the state in which he intends to operate. We have examined this requirement and the effect it has on our procedures. We believe that our policy of requiring a certificate prior to accepting an application should be changed as indicated below. However, pending the conclusion of this rulemaking, we will entertain requests for waiver of § 21.13(f) from otherwise qualified applicants.

5. Presently, in the DPLMRS there are often two or more applicants for a particular frequency in the same locality. In cases a grant can be made only after a comparative hearing has been held. We think that some of these hearings may be avoided, as proposed below.

6. Because we believe that these and other problems are remediable we will issue this notice of proposed rulemaking and invite members of the industry and the public to comment upon the issues and proposals discussed herein.

7. We invite comments on our proposal to effect changes in the procedures applied in application processing and in the standards applied to consideration of questions that arise during processing.

a. We propose to amend our rules to eliminate the present requirement that an applicant for a radio station license in the DPLMRS submit with the application a copy of a state certificate or franchise if one is required by the state in which he intends to operate. We believe our licensing process would be improved by changing this procedure, e.g., by eliminating the requirement that an applicant submit evidence of state certification prior to grant. We would first authorize construction and, if appropriate, condition licensing upon receiving state certification.

We solicit comments on this proposal, and in the interim, we will entertain requests for waivers of § 21.13(f), see 47 CFR 1.3, and *U.S.* v. *Storer Broadcasting Co.*, 351, U.S. 192 (1956). In the event waivers of this rule are granted, we will condition any resulting authorization so that the grantee must obtain, in those jurisdictions requiring it, a certificate before beginning operations, and must begin operation within the 8-month term of the construction permit, unless that time is extended by the Commission for good cause shown

b. Often it is necessary to hold lengthy hearing proceedings, which are burdensome to the Commission's staff and processes, as well as to litigants, to determine which of two or more qualified applicants for the same frequency should receive a grant. When other frequencies for the same service are available, we propose to require an applicant to apply only for open frequencies (those for which there is no application pending in that locality). Another alternative is to reserve power to the Commission to assign an open frequentcy to eliminate electrical conflicts. We invite comments on these proposals.

c. We propose to amend our present rules and policies which require a detailed showing of need for service in each application for new or additional DPLMRS frequencies. We are considering adopting objective-channel loading criteria applied at the time of renewal and application for additional facilities; and simpler more objective standards for demonstration of need at the time of initial grant. For example, we are considering specific numbers of held orders, past growth rates, new and different needs, projected growth rates, market surveys and demographic data. We request comments on the objective criteria and suggestions on what the criteria should be.

8. In addressing ourselves to these procedural changes, we will be guided primarily by the public interest. In this regard, we believe the public interest will best be served by a licensing system that promotes maximum availability of communications services to the public with minimal costs and delays imposed by regulation. Any party who would have us retain restrictive licensing policies should be prepared to support such a position with concrete factual matter. We will not, without solid justification, apply "natural monopoly" and similar theories of regulation where they do not appear appropriate and most especially where the communications user appears to bear the costs and lack of choice associated with the application of such restrictive policies.

9. Accordingly, it is ordered, That, pursuant to Sections 4(i), 4(j), 303(r), and 403 of the Communications Act, as amended, an inquiry and rulemaking is hereby instituted concerning policies and procedures to be applied in licensing in the Domestic Public Land Mobile Radio Service.

10. It is further ordered, that any interested persons may participate herein by filing comments and reply comments in accordance with the following schedule. Comments are to be filed on or before September 3, 1976 and reply comments on or before October 1, 1976. Comments and reply comments may be addressed to the issues, proposals set forth in this notice and to such other issues as the participants believe are relevant and necessary to the resolution of these matters. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken, in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it in addition to the specific comments initiated by this notice.

11. It is further ordered, That, in accordance with Section 1.419 of the Commission's Rules an original and eleven (11) copies of all comments, reply comments and other pleadings and submissions shall be furnished to the Commission. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 7, 1976.

Released: July 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-20539 Filed 7-15-76;8:45 am]

[2] 47 F.C.C. 2d 433 (1974), reconsideration denied, F.C.C. 74-1106, released October 21, 1974.

[47 CFR Part 89]

[FCC 76-645; Docket No. 20869; RM-2627]

FIRE RADIO SERVICE FREQUENCIES

Maximum Input Power Limitation

1. The International Municipal Signal Association (IMSA), Florida Chapter, has filed a petition (RM-2627) requesting amendment of Part 89 of the Commission's Rules to raise or remove the maximum plate power input limitation on the Fire Radio Service frequency 153.830 MHz. Operation on the frequency presently carries a maximum input power limitation of 3 watts.

2. IMSA states that this frequency is seldom used due to the low plate power input limitation. They argue that technological advances made in miniturization of portable radio equipment have made it common for most portables manufactured to be in excess of 3 watts input. The petition was supported by the State of California. They contend that raising the power limitation will result in increased use of the frequency and consequently, provide the much needed on-the-scene fire radio channel envisioned in the setting of the original power restriction.

3. It was the Commission's intent to reserve the frequency 153.830 MHz [1] as a common channel used only for on-the-scene fire fighting communications, consequently, the low 3 watt power and mobile classification limitations. It is our belief that completely removing the power limitation would open up these frequencies for additional uses not envisioned by the Commission. We believe, however, the scale of on-scene fire fighting operations has increase dramatically since the adoption of this limitation. In some instances, where widely dispersed fire fighting units are involved, 3 watts cannot provide the coverage needed. Also, it has been our experience that hand carried units in public safety operations usually have multichannel capability. Therefore, by raising the power limitation, this common channel could be included in the licensees regular portable equipment, thereby in some cases, eliminating the need for two pieces of equipment.

4. Therefore, for the reasons mentioned above, we propose to amend Part 89 of the Rules to raise the maximum power limitation on the frequencies 33.42, 46.30, and 153.830 MHz. The IMSA petition suggested increasing the maximum allowable input power to 15 watts. This figure seems appropriate. Accordingly, we are proposing to limit operations on the frequencies in question to 10 watts output.[2] We would again note, however, that these frequencies should only be used for on-the-scene coordination and fire fighting operations.

5. Notice is hereby given on our proposal to adopt Rules as set forth in the Appendix. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before September 17, 1976 and reply comments on or before October 18, 1976. Relevant and timely comments will be considered by the Commission before final action in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and eleven copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 7, 1976.

Released: July 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

It is proposed to amend § 89.359(g) (6) as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(g) * * *

(6) The output power of any transmitter authorized to operate on this frequency shall not exceed 10 watts.

* * * * *

[FR Doc.76-20540 Filed 7-15-76;8:45 am]

[1] The frequencies 33.42 and 46.30 MHz are also reserved for this type of operation.

[2] This conversion to output power is in line with the Commission's proposals in Docket 20665.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

ENFORCEMENT OBLIGATIONS OF EXCHANGES AND ASSOCIATIONS

Extension of Comment Period

On May 26, 1976, the Commission published Securities Exchange Act Release No. 12483, 41 FR 22959 (June 8, 1976), announcing proposed Securities Exchange Act Rule 19g2-1 to relieve national securities exchanges and registered securities associations from certain obligations to enforce the Securities Exchange Act of 1934 and the rules and regulations thereunder. Interested persons were invited to submit written views and comments on proposed Rule 19g2-1, and the time originally specified for submitting such comments will expire on August 1, 1976.

In view of the complexity of the subject matter of the proposed rule and requests for additional time to formulate and submit comments, the Commission has determined to extend the comment period on proposed Rule 19g2-1 until September 13, 1976. Submissions should be made to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should refer to File No. S7-634. All submissions will be made available for public inspection in the Commission's Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 7, 1976.

[FR Doc.76-20517 Filed 7-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 571]

[23 CFR Part 1204]

[OST Docket No. 44; Notice 76-9]

OCCUPANT CRASH PROTECTION HIGHWAY SAFETY PROGRAM STANDARDS

Extension for Deadline for Submitting Requests To Testify

By notice in the FEDERAL REGISTER of June 14, 1976 (41 FR 24070), the Secretary of Transportation proposed five possible alternative amendments to Federal Motor Vehicle Safety Standard (FMVSS) 208, which provides for occupant crash protection in motor vehicles. As part of the rulemaking, a public hearing was announced for Tuesday, August 3, 1976, at which the Secretary will hear up to six hours of argument by interested parties on the issues raised by the rulemaking. It was announced that the deadline for submitting requests to testify at the hearing was Monday, July 12, 1976.

Because of numerous requests, it has been decided to extend that deadline. Therefore, the deadline for submitting requests to participate in the August 3, 1976 public hearing on motor vehicle occupant crash protection is Wednesday, July 21, 1976.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 109, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410(b)); Sec. 101, Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 402.)

Issued in Washington, D.C., on July 15, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-20876 Filed 7-15-76;12:58 pm]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[OST Docket No. 44; Notice 76-9]

OCCUPANT CRASH PROTECTION HIGHWAY SAFETY PROGRAM STANDARDS

Extension of Deadline for Submitting Requests To Testify; Cross Reference

CROSS REFERENCE: For a document extending the deadline for submitting requests to testify on occupant crash protection and highway safety program standards, see FR Doc. 76-20876, appearing in the proposed rule section of this issue.

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 THE TREASURY

Comptroller of the Currency

MERCANTILE NATIONAL BANK, ATLANTA, GEORGIA

Suspension of Trading

It appearing that a summary suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby suspended for the ten-day period commencing at midnight (EDT) on July 13, 1976, and terminating at midnight (EDT) on July 23, 1976.

Dated: July 13, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-20595 Filed 7-15-76;8:45 am]

Office of the Secretary

POWER TRANSFORMERS, LARGE, FROM SWITZERLAND

Antidumping: Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to large power transformers from Switzerland was published as Treasury Decision 72-163 in the FEDERAL REGISTER of June 14, 1972 (37 FR 11773).

After due investigation, it has been determined, tentatively, that large power transformers manufactured and sold for export by Brown Boveri & Company, Ltd. of Baden, Switzerland, are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). There are no other known manufacturers of large power transformers located in Switzerland.

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that no sales at less than fair value of large power transformers by Brown Boveri & Company, Ltd., have been made for a period of more than 2 years from the dumping finding. Written assurances have been given by the manufacturer that future sales of large power transformers for export to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping with respect to large power transformers from Switzerland.

In accordance with section 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before July 26, 1976. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 16, 1976.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JULY 9, 1976.

[FR Doc.76-20570 Filed 7-15-76;8:45 am]

TUNERS (OF THE TYPE USED IN CONSUMER ELECTRONIC PRODUCTS) FROM JAPAN

Antidumping: Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan was published as Treasury Decision 70-257 in the FEDERAL REGISTER of December 12, 1970 (35 FR 18914).

After due investigation, it has been determined tentatively that tuners (of the type used in consumer electronic products) produced and exported by Sony Corporation of Japan are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that no sales have been made at less than fair value by the above firm since the finding of dumping, and assurances have been given that future sales of such tuners to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan to exclude the tuners produced and sold by Sony Corporation of Japan from the finding.

In accordance with Section 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before July 26, 1976. Such requests must be accompanied by a statement outlining the issues wishes to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 16, 1976.

This notice is published pursuant to Section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JULY 9, 1976.

[FR Doc.76-20571 Filed 7-15-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PROPOSED RELOCATION OF COMMUNICATION SERVICE; DRAFT ENVIRONMENTAL STATEMENT

Public Hearing

JULY 14, 1976.

It was announced in the July 2, 1976 FEDERAL REGISTER (pages 27396 and 7) that the U.S. Air Force would hold informal public hearings on July 19, 1976 in Grandview, Missouri and July 26, 1976 in Belleville, Illinois. The purpose of the hearings was to solicit comments from the public for the proposed relocation of Air Force Communication Service 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.

The date for the informal public hearing to be held in Grandview, Missouri has been changed to August 30, 1976 with the option to continue on August 31 and September 1 as required. The exact time and location of the rescheduled hearings will be announced in the near future.

The public hearing in Belleville, Illinois has not been changed from the time

and placed announced earlier; that is, 7:00 p.m. on July 26, 1976 at Belleville Area College Theatre, 2500 Carlyle Road (Route 161) Belleville, Illinois.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-20844 Filed 7-15-76;8:45 am]

Defense Supply Agency

PROPOSED CANCELLATION OR TERMINATION OF EXISTING CONTRACTS AND DEBARMENT FROM FUTURE CONTRACTS TO HAHN & CLAY

Hearing

The Executive Directorate, Contractor Employment Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director, Office of Federal Contract Compliance Programs, Department of Labor, to issue a Notice of Proposed Cancellation or Termination of Existing Contracts and Debarment from Future Contracts to Hahn & Clay for its failure to take appropriate action on deficiencies listed in a 30-day show cause notice issued to the company on 10 July 1975. Hahn & Clay has been given 14 days after receipt of this Notice to answer allegations therein, and request a hearing on the issues with the Director, DSA.

W. W. VAUGHAN,
Lieutenant General, USA, Director.

The following letter is published in accordance with requirements of 41 CFR 60-1.26(b) (2) (i) (ii):

DCAS-VO

Mr. E. J. CLAY,
President,
Hahn & Clay,
5100 Clinton Drive,
Houston, Texas 77020.

DEAR MR. CLAY: Hahn & Clay has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR) Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On 29 April 1975, a compliance review was initiated at your facility in Houston, Texas. During the review several deficiencies were found in your Affirmative Action Program (AAP). It was also found that an employee had been discriminatorily terminated because he filed a complaint with the Equal Employment Opportunity Commission. The employee was denied his seniority and back pay when he was rehired on a condition that he withdraw the complaint. Negotiations failed to resolve the problems. On 10 July 1975 a 30-day show cause notice was issued to you. The problems remained unresolved at the end of that period. The AAP you recently submitted is deficient in the following areas: identification of problem areas by organizational unit and job grouping; lack of wage rates and salary data; goals for each underutilized category not included; lack of information on prior year goal achievement; and in the work force analysis, jobs are not ranked from the lowest paid to highest paid. There are in addition to the harassment, seniority and back pay issues which were previously found and remain open.

Hahn & Clay is in violation of Executive Order 11246 and applicable rules and regulations of the Department of Labor which require federal contractors to refrain from discriminating in their employment practices. In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts and debarment from future United States Government contracts or subcontracts. This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). Hahn & Clay may, within 14 days after receipt of this notice, file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314.

The answer and the request for a hearing should conform to the requirement of 41 CFR 60-1.26(b) (2) (iii).

Sincerely,

W. W. VAUGHAN,
Lieutenant General, USA, Director.

[FR Doc.76-20522 Filed 7-15-76;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 24 and 25 August 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JULY 12, 1976.

[FR Doc.76-20524 Filed 7-15-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Cancellation of Meeting

This is to provide notice of cancellation of the meeting of the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration which was published in the FEDERAL REGISTER on July 7, 1976. This meeting was originally scheduled on July 22, 1976, at the Key Bridge Mariott Hotel, Rosslyn, Virginia.

This cancellation is necessitated by the inability of several Committee members to attend the meeting. A rescheduling of the meeting is tentatively planned for September 1976.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-20575 Filed 7-15-76;8:45 am]

LEAA ORGANIZATIONAL CONFLICT OF INTEREST PROVISION

Written Comments

Notice is hereby given that LEAA will continue to receive written comments on the LEAA organizational conflict of interest provision until August 9, 1976. The LEAA organizational conflict of interest provision provides that:

Adequate competition. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. *Contractors that develop or draft specifications, requirements, statements of work and/or requests for proposal for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement.* (Emphasis added.)

Persons wishing to make written comments should mail such comments to Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, D.C. 20531.

A transcript of the LEAA hearing held on July 8, 1976, on the LEAA organizational conflict of interest provision will be available for public inspection after July 22, 1976, at Room 1268, 633 Indiana Avenue, NW., Washington, D.C.

HENRY F. MCQUADE,
LEAA Deputy Administrator for Policy Development.

[FR Doc.76-20551 Filed 7-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MID-ATLANTIC OUTER CONTINENTAL SHELF

Oil and Gas Lease Sale No. 40, August 17, 1976

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at his office in 6 World Trade Center, Suite 600D, New York, New York 10048. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., e.s.t., August 16, 1976; or by personal delivery to the Grand Ballroom, the Statler Hilton Hotel, Seventh Avenue at 32nd to 33rd Streets, New York, New York 10001, between the hours of 8:30 a.m., e.s.t., and 9:30 a.m., e.s.t., August 17, 1976. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., August 17, 1976. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published at 41 FR 14808, April 7, 1976.

3. *Rent, Royalty, and Bonus.* Bids submitted on all tracts to be offered at this sale must be on a cash bonus bid basis. The royalty for all tracts (except the higher royalty tracts) is fixed at 16⅔ percent. Tracts 40–11, 40–12, 40–13, 40–18, 40–19, 40–20, 40–28, 40–29, 40–92, 40–129, 40–130, 40–140, 40–148, 40–149, and 40–150 are in this sale notice referred to as "higher royalty tracts". The royalty for all higher royalty tracts is fixed at 33⅓ percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $8.00 per hectare[1] or fraction thereof.

4. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., e.s.t., August 17, 1976," must be submitted for each tract. A suggested bid format appears in paragraph 16. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash, or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in a percent to a maximum of five decimal places, as well as submit a sworn statement that the bid is qualified under 43 CFR 3302. The form for this statement to be used in joint bids appears in paragraph 17. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

5. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., e.s.t., August 17, 1976, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on the Compliance Report Certification Form, Form 1140–8 (November 1973), and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. *Bid Opening.* Bids will be opened on August 17, 1976, beginning at 10:00 a.m., e.s.t., in the Grand Ballroom, Statler Hilton Hotel, at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, August 17, 1976, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. *Deposit of Payments.* Any cash, checks, drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(1) The bidder has complied with all requirements of this notice and applicable regulations;

(2) His bid is the highest valid cash bonus bid; and

(3) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62.00 or more per hectare or fraction thereof.

10. *Successful Bidders.* Each person who has submitted a bid accepted by the United States will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

11. *Protraction Diagram.* The tracts offered at this lease sale, described in paragraph 12 below, may be located on the following Outer Continental Shelf Official Protraction Diagrams, available for $2.00 each from the Manager, New York Outer Continental Shelf Office, at the address stated in paragraph 2:

(1) NJ 18–3.

(2) NJ 18–6.

12. *Tract Descriptions:*

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 18–3

[Approved Oct. 31, 1974]

Tract No.	Block	Description	Hectares[1]
40-1	411	All	2304
40-2	412	All	2304
40-3	453	All	2304
40-4	454	All	2304
40-5	455	All	2304
40-6	456	All	2304
40-7	457	All	2304
40-8	458	All	2304
40-9	497	All	2304
40-10	498	All	2304
40-11	499	All	2304
40-12	500	All	2304
40-13	501	All	2304
40-14	502	All	2304
40-15	540	All	2304
40-16	541	All	2304
40-17	542	All	2304
40-18	543	All	2304
40-19	544	All	2304
40-20	545	All	2304
40-21	546	All	2304
40-22	547	All	2304
40-23	553	All	2304
40-24	554	All	2304
40-25	584	All	2304
40-26	585	All	2304
40-27	586	All	2304
40-28	587	All	2304
40-29	588	All	2304
40-30	589	All	2304
40-31	590	All	2304
40-32	591	All	2304
40-33	596	All	2304
40-34	597	All	2304
40-35	598	All	2304
40-36	599	All	2304
40-37	628	All	2304
40-38	629	All	2304
40-39	630	All	2304
40-10	631	All	2304
40-41	632	All	2304
40-42	633	All	2304
40-43	634	All	2304
40-44	635	All	2304
40-45	639	All	2304
40-46	640	All	2304
40-47	641	All	2304
40-48	642	All	2304
40-49	643	All	2304
40-50	673	All	2304
40-51	674	All	2304
40-52	675	All	2304
40-53	676	All	2304
40-54	677	All	2304
40-55	678	All	2304
40-56	682	All	2304
40-57	683	All	2304
40-58	684	All	2304
40-59	685	All	2304
40-60	686	All	2304
40-61	687	All	2304
40-62	718	All	2304
40-63	719	All	2304
40-64	720	All	2304
40-65	721	All	2304
40-66	722	All	2304
40-67	723	All	2304
40-68	724	All	2304
40-69	725	All	2304
40-70	726	All	2304
40-71	727	All	2304
40-72	728	All	2304
40-73	729	All	2304
40-74	730	All	2304
40-75	765	All	2304
40-76	766	All	2304
40-77	767	All	2304
40-78	768	All	2304
40-79	769	All	2304
40-80	770	All	2304
40-81	771	All	2304
40-82	772	All	2304
40-83	773	All	2304
40-84	809	All	2304
40-85	810	All	2304
40-86	811	All	2304
40-87	812	All	2304
40-88	813	All	2304
40-89	816	All	2304
40-90	854	All	2304
40-91	855	All	2304
40-92	856	All	2304
40-93	857	All	2304
40-94	858	All	2304

[1] One hectare equals 2.471 acres.

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 18-3

Tract No.	Block	Description	Hectares [1]
40-95	898	All	2304
40-96	899	All	2304
40-97	900	All	2304
40-98	901	All	2304
40-99	902	All	2304
40-100	942	All	2304
40-101	943	All	2304
40-102	944	All	2304
40-103	945	All	2304
40-104	985	All	2304
40-105	986	All	2304
40-106	987	All	2304
40-107	988	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 18-6

(Approved Oct. 31, 1974)

Tract No.	Block	Description	Hectares [1]
40-108	16	All	2304
40-109	17	All	2304
40-110	18	All	2304
40-111	19	All	2304
40-112	61	All	2304
40-113	62	All	2304
40-114	98	All	2304
40-115	99	All	2304
40-116	100	All	2304
40-117	104	All	2304
40-118	105	All	2304
40-119	106	All	2304
40-120	139	All	2304
40-121	140	All	2304
40-122	141	All	2304
40-123	142	All	2304
40-124	143	All	2304
40-125	144	All	2304
40-126	183	All	2304
40-127	184	All	2304
40-128	185	All	2304
40-129	186	All	2304
40-130	187	All	2304
40-131	188	All	2304
40-132	189	All	2304
40-133	190	All	2304
40-134	191	All	2304
40-135	193	All	2304
40-136	226	All	2304
40-137	227	All	2304
40-138	228	All	2304
40-139	229	All	2304
40-140	230	All	2304
40-141	231	All	2304
40-142	232	All	2304
40-143	233	All	2304
40-144	234	All	2304
40-145	235	All	2304
40-146	270	All	2304
40-147	271	All	2304
40-148	272	All	2304
40-149	273	All	2304
40-150	274	All	2304
40-151	275	All	2304
40-152	276	All	2304
40-153	277	All	2304
40-154	278	All	2304

[1] 1 ha equals 2.471 acres.

13. *Lease Terms and Stipulations.* Leases issued as a result of this sale will be on Form 3300-1 (May 1976), available from the Manager, New York Outer Continental Shelf Office, at the address stated in paragraph 2. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale:

Stipulation No. 1. If the Supervisor, having reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct geophysical surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such geophysical surveys shall be examined by the Supervisor to determine if anomalies are present which suggest the existence of a cultural resource that may be adversely affected by any lease operation.

If such anomalies exist the lessee shall: (1) locate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archeological investigation conducted by a qualified marine archeological surveyor using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist. A report of of this investigation prepared by the marine archeological surveyor shall be submitted to the Supervisor for review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

Stipulation No. 2. If the Supervisor having reason to believe that an area of special biological significance may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development of lease areas including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct site specific surveys, as approved by the Supervisor, to determine the actual existence of an area of special biological significance that may be adversely affected by any lease operation. If such surveys indicate the existence of such an area, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the area identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of the site specific survey, either that such operation will not adversely affect the area identified or that the potential biological resource suggested by the occurrence of the anomaly does not exist.

All data obtained in the course of any biological surveys conducted pursuant to the provisions hereof shall be submitted to the Supervisor with any application by the lessee for drilling or other activity with a copy to the Manager, New York OCS Office. Should the Supervisor determine, contrary to the contentions of the lessee, that the existence of a biological resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in any adverse effect on such resource until the Supervisor has given the lessee directions with respect to the resource.

The lessee agrees that, if any site, structure, or object of biological significance should be discovered during the conduct of any operations on the leased area, he shall report such findings to the Supervisor, and make every reasonable effort to preserve and protect the resource from damage until the Supervisor has given the lessee directions with respect to the resource.

Stipulation No. 3. Structures for drilling or production, including pipelines and subsea systems, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere unnecessarily with other significant uses of the Outer Continental Shelf, including commercial fishing.

To this end, no structure for drilling or production, including pipelines and subsea systems, may be placed on the Outer Continental Shelf until the Supervisor has determined that the structure is necessary for the proper exploration, development, or production of the lease area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf, including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures including pipelines and subsea production systems, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the Outer Continental Shelf, including commercial fishing.

Stipulation No. 4. If feasible pipeline rights-of-way can be determined and obtained and, if laying such pipelines is technically and economically feasible, no crude oil production will be transported by surface vessel from offshore production sites to adjacent onshore facilities except in case of emergency. Determinations as to emergency conditions and the technical and economic feasibility of pipeline laying will be made by the Supervisor. Barges will not be used for surface transportation except in emergency situations where the Supervisor determines that the use of no other vessels is feasible.

The lessor specifically reserves the right to require that any pipeline to be used for transporting production from this lease to shore be placed in certain designated areas or corridors.

Wherever technically and economically feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, storm scouring, fisheries trawling gear, and other uses as determined by the Department of the Interior permitting agency on a case-by-case basis.

Surveillance of all buried pipelines shall be conducted by the lessor at regular intervals to ensure that they remain buried. Surveillance methods utilized shall be those specified in present and future OCS Orders and regulations or as approved by the Department of the Interior permitting agency.

Stipulation No. 5. (To be included only in leases resulting from this sale for tracts 40-79, 40-80, 40-81, 40-87, 40-88, and, 40-94.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall show, to the satisfaction of the Supervisor, that he has taken all steps practicable to determine the existence of any unexploded ordnance, munitions,

mine or bomb. If any object is found which may be such a device the lessee shall: (1) locate the site of such operation so as not to adversely affect the object identified; or (2) establish to the satisfaction of the Supervisor, on the basis of further investigations, that the operation will not be affected by the object or that the object is not an explosive device. Upon completion of any investigation conducted for the purpose of locating undetonated explosive devices, the lessee shall forward a report and all pertinent data to the Supervisor for his review. Should the Supervisor determine that the existence of such devices may adversely affect the operation, the lessee shall take no action until the Supervisor has given directions as to the conduct of that operation.

The lessee agrees that if any undetonated explosive device should be discovered during the conduct of any operations on the leased area, he shall report immediately the discovery to the Supervisor, and make every reasonable effort to avoid the detonation of the device until the Supervisor has given directions as to its disposition.

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury which occurs in, on, or above the Outer Continental Shelf to any person or persons or to any property of any person or persons including but not limited to a person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to the person or property occurs during the course of operations on the lessee's behalf, and such injury or damage was in any way related to or caused by the existence or detonation of any unexploded ordnance, munitions, mine or bomb whether or not such ordnance, munitions, mine or bomb was known to exist.

Stipulation No. 6. (To be included only in leases resulting from this sale for tracts 40–1, 40–3 through 40–6, 40–9 through 40–13, 40–15 through 40–21, 40–25 through 40–31, 40–37 through 40–44, 40–50 through 40–55, 40–62 through 40–69, 40–75 through 40–80, 40–84 through 40–88, 40–90 through 40–154, inclusive.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Naval Air Station, Lakehurst, New Jersey. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee and to defend at its own expense the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the appropriate onshore military installation, i.e., Commanding Officer, Naval Air Station, Lakehurst, New Jersey, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within individual designated warning areas.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; *Provided*, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the appropriate onshore military installation, i.e., Commanding Officer, Naval Air Station, Lakehurst, New Jersey, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 7. To provide information to coastal states and thus to assist them in planning for the impact of activities during exploration under this lease, the lessee shall submit, for review and comment, to the Governor of each Mid-Atlantic state a "Notice of Support Activity for the Exploration Program" (herein called "Notice").

For the purpose of this stipulation Mid-Atlantic states include New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The lessee shall not be required to include privileged information in this Notice. At his discretion, the lessee may submit either a separate Notice for each Exploration Plan submitted on a lease under 30 CFR 250.34, or a Notice for two or more Plans on one or more leases. The Notice shall not be subject to approval or disapproval by the Supervisor.

A copy of the Notice shall be submitted to the Supervisor no later than the date of submission of the Exploration Plan, with a certification that the Notice has already been submitted to the Governor of each Mid-Atlantic state. A lessee who submits a Notice for two or more Exploration Plans shall not be required to supply additional copies of the Notice, but may instead refer to that prior submission. Before the Supervisor approves or disapproves the Exploration Plan, he shall allow at least 30 days from the date of receipt of the certification for the Governors to submit comments on the Notice to the lessee. Subsequent to submission of the certification, significant changes in estimated support activities will be forwarded by the lessee, as an amendment to the Notice, to the Governors of the Mid-Atlantic states and the Supervisor.

The Notice shall include with respect to the lessee and his contractors:

(1) A description of the onshore and nearshore support facilities, including site and size, expected to be constructed, leased, rented, or otherwise procured in affected areas;

(2) Amount and location of acreage expected to be required within the state for facilities, including the need for storage space for supplies;

(3) An estimate of the frequency of boat and aircraft departures and arrivals, on a monthly basis, and the possible onshore location of terminals;

(4) The approximate number of persons who are expected to be engaged in onshore support activities and transportation, the approximate number of local personnel who are expected to be employed by or in support of the exploration program, and the approximate total number of persons who are expected to be employed for the exploration program;

(5) Estimates of the approximate addition to the population, on a county basis, due to the exploration program and the approximate number of persons needing housing and other facilities;

(6) An estimate of any significant quantity of major supplies and equipment to be procured within the state; and

(7) The onshore address of the lessee's operation officers and of the contractors' offices involved in the exploratory operation.

Stipulation No. 8. (To be included in leases resulting from this sale for tracts 40–61, 40–74, 40–83, 40–89, 40–94, 40–99, 40–103, 40–107, 40–119, and 40–135.

Portions of this tract may be subject to mass movement of sediment. Emplacement of structures (platforms) or sea floor wellheads for the production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that structures can be safely designed to withstand such mass movement at the proposed location of the structure.

Exclusive high resolution geophysical data used to determine the portions of these tracts which may be subject to mass movement of sediment may be inspected at the office of the Conservation Manager, Eastern Region, Geological Survey, Suite 213, 1725 K Street N.W., Washington, D.C. 20006.

Stipulation No. 9. (To be included in any leases resulting from this sale for the higher royalty tracts listed in Paragraph 3 of this notice.)

(a) The royalty rate on production saved, removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)), except that the Director, Geological Survey may approve an application for a reduction in royalty on this lease only when it is necessary in order to increase the ultimate recovery of oil and gas and in the interest of conservation. The Director may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) All reservoirs underlying this lease which extend into one or more lower royalty rate leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on such a method.

(c) Although the royalty rate specified in section 3(b)(1) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔% of the production saved, removed or sold from the leased area may be taken as royalty in amount, except as provided in section 6(c); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔% may only be taken in value of the production saved, removed or sold from the leased area.

Stipulation No. 10. (All leases issued as a result of this sale for tracts other than the higher royalty tracts listed in Paragraph 3 of this notice will contain the following stipulation.)

All reservoirs underlying this lease which extend into a lease covering the higher royalty tracts as indicated by drilling and other information, shall be operated and produced only under a unit agreement covering the lease for the higher royalty tracts and approved by the Supervisor. Such a unit agreement shall provide for a fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on such a method.

14. *Restriction on Leases.* Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Department of the Army permits are required for construction of any structures in or over any navigable waters of the United States pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and for artificial islands and fixed structures located on the Outer Continental Shelf in accordance with Section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333 (f)). The decision whether to issue a Department of the Army permit on lands which are under mineral lease from the Department of the Interior will be based solely on an evaluation of the impact of the proposed work on navigation and national security. Permit applications and inquiries should be directed to the District Engineer, Philadelphia District, U.S. Army Corps of Engineers.

15. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Mid-Atlantic OCS Orders, issued effective July 1, 1976, and any other applicable OCS Order, as it becomes effective. Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult the Department of Transportation for regulations applicable to offshore pipelines under its jurisdiction.

16. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, New York Outer Continental Shelf Office, in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per hectare	Amount of cash bonus submitted with bid

PROPORTIONATE INTEREST OF COMPANY SUBMITTING BIDS

Qualification File No. _____ _____% _____
(Company)

_____
(Address)

_____
(Signature, please type signer's name under signature)

17. *Required Joint Bidder's Statement.* In the case of joint bids, each joint bidder must execute the following statement before a notary public and submit it with his bid.

JOINT BIDDER'S STATEMENT

I hereby certify that _____ (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

_____
(Signature, please type signer's name under signature)

Sworn to and subscribed before me this _____ day of _____ 19__.

_____
(Notary public)

State of _____
County of _____

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved:
RONALD G. COLEMAN,
Secretary of the Interior.

[FR Doc.76-20708 Filed 7-14-76;10:34 am]

[Tentative Sale No. 48]

OUTER CONTINENTAL SHELF OFFSHORE CALIFORNIA

Call for Nominations of and Comments on Area for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1975), nominations are hereby requested for areas on the Outer Continental Shelf offshore California for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343 (1970)). Nominations will be considered for any or all of that part of the following areas seaward of the submerged lands of the adjacent State.

1. Outer Continental Shelf Leasing Map No. 6A, Channel Islands Area: All blocks and fractional blocks.

2. Outer Continental Shelf Leasing Map No. 6B, Channel Islands Area: All blocks and fractional blocks except for the following:

37N 43W to 45W, all inclusive.
38N 43W to 45W, all inclusive.
39N 43W to 46W, all inclusive.
40N 43W to 48W, all inclusive.
41N 43W to 49W, all inclusive.
42N 44W to 52W, all inclusive.
43N 44W to 55W, all inclusive.
44N 53W to 55W, all inclusive.
50N 66W to 67W, all inclusive.
51N 66W to 69W, all inclusive.
51N 65W, NW¼ NW¼.
51N 70W, E½ and E½W½
52N 63W to 69W, all inclusive.
52N 70W, E½ and E½W½.

3. Outer Continental Shelf Leasing Map No. 6C, Channel Islands Area: All blocks and fractional blocks except the following:

35N 37W, NE¼NE¼.
36N 36W, All.
35N 36W, N½NW¼.
35N 35W, All.
34N 35W, N½NW¼; SE¼NW¼; SW¼NE¼ and N½SE¼.

4. Outer Continental Shelf Leasing Map No. 6D, Channel Islands Area: All blocks and fractional blocks.

5. Outer Continental Shelf Leasing Map No. 6E, Channel Islands Area: All blocks and fractional blocks.

6. Outer Continental Shelf Official Protraction Diagram NI 11–10, San Clemente: All blocks and fractional blocks except the following: 792, 835, 836, 879, 880, 923, 966, 967, and 1010.

All these official leasing maps can be purchased from the Manager, Pacific Outer Continental Shelf Office, 300 North

Los Angeles Street, (Room 7127), Los Angeles, California 90012. The price of the Outer Continental Shelf Official Protraction Diagram NI 11-10, San Clemente is $2.00. The price of the other five maps is $1.00 each.

All nominations must be described in accordance with the Outer Continental Shelf Official Leasing Maps and Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than September 7, 1976, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—offshore California," or "Comments on Leasing in the Outer Continental Shelf—offshore California," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Area Conservation Manager, Pacific Area, Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, and to the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing offshore California. It is an information-gathering component of the Department's leasing procedure.

Tracts will be selected for competitive bidding pursuant to established Departmental procedures and only after compliance with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)). This call for nominations recognizes the potential conflicts with military operations within the area. Careful considerations of these military operations will, therefore, be given in the process of selecting tracts for a potential sale. Notice of any tracts selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Dated: July 8, 1976.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: July 12, 1976.

TOM KLEPPE,
Secretary of the Interior.

[FR Doc.76-20509 Filed 7-15-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: U.S. Fish and Wildlife Service, Office of Endangered Species, 500 Gold Avenue, Albuquerque, New Mexico 87103.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
1. To pursue Houston Toad (Buffo houstonensis), to record calls, photograph individuals, to estimate population status.
2. Collect samples of eggs & developmental states to study and record for species documentation.
3. Remove 1 individual to lab. to photograph & return to field within 24 hours.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
U. S. Fish and Wildlife Service
Office of Endangered Species
500 Gold Avenue
Albuquerque, NM 87103
474-2321

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
4. Record clocal temperatures.
5. Salvage specimen found dead.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Federal Fish and Wildlife Service

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
474-2321
W. O. Nelson, Jr., Regional Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
South-central and south-eastern Texas.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
Various appropriate FWS permits

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: 3/10/76

11. DURATION NEEDED: Two years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Jerry L. Stegman — Acting Regional Director — DATE: MAR 9 1976

3-200
16-741

1. *Bufo houstonensis* Sanders

a. Remove two adults (one male and one female) for artificial breeding in the laboratory.

b. Remove three larvae per day from a single clutch of eggs for preservation and subsequent description.

2. The toads in question are still in the wild.

3. As listed in "1" above:

a. The animals will be removed in moist cloth bags placed in plastic containers.

b. The larvae will be preserved in the field in 5% formalin.

4. N/A

5. Department of Wildlife and Fisheries Sciences, Texas A&M University, College Station, Texas 77843. Specimens will be maintained in terreria in the herpetology range.

6. i. The live toads will be housed in a moist terrerium in a room which is relatively constantly maintained at 28 degrees centigrade.

ii. The principal investigator has maintained live reptiles and amphibians in the lab for more than 15 years. Toads of various species have been among these specimens and have been successfully maintained for long periods on diets of meal worms and other invertebrates.

iii. The applicant is willing to cooperate in any breeding program proposed by the Endangered Species Office.

iv. The toads will be transported in moist cloth bags placed in plastic jars and will be housed in moist terreria. They will be maintained in the lab for a period not to exceed two weeks and will be fed meal worms and other invertebrates.

v. No Houston Toads have been maintained in captivity. Several other species of *Bufo* have been maintained as pets and have done well under the conditions mentioned in "iv" above.

7. Attached

8. i. The proposed project involves the artificial propagation of *Bufo houstonensis* in the laboratory, with freshly metamorphosed toads being released at the point of collection of the adults.

ii. Artificial breeding will be accomplished by the means prescribed by Nace, *et al.* (Amphibians: guidelines for the breeding, care, and management of laboratory animals, National Academy of Sciences, Washington, D.C.).

iii. Most persons previously dealing with the status of the Houston toad have strongly suggested the advantages of an artificial breading program for the species. It is deemed advisable to attempt a single breeding before earnestly using this technique as a management tool.

iv. Both adults and any offspring resulting from the breeding will be returned to the point of capture.

Contract No. 14-16-0002-3557.

CONTRACT FOR INVESTIGATION ON STATUS OF HOUSTON TOAD

This contract entered into pursuant to the authority under the Federal Property and Administrative Services Act of 1949 as amended, Section 302(c) (4) and the Fish and Wildlife Act of 1956, 70 Stat. 119, (U.S.C.-742 d and f), this 28th Day of May 1974, between the United States of America, acting through the authorized Contracting Officer of the Bureau of Sport Fisheries and Wildlife, of the Fish and Wildlife Service, Department of the Interior (hereinafter called the Bureau and Mr. Robert A. Thomas, Department of Wildlife and Fisheries Sciences, Texas A&M University, College Station, Texas 77843, (hereinafter called the Contractor).

Witnesseth: The Parties hereto do mutually agree to the conduct of the work pursuant to the General Provisions attached hereto and made a part hereof as follows:

1. *Description of Work:* The Contractor will conduct an investigation on the status of the Houston Toad, *Bufo houstonensis* Sanders, as more particularly set forth in the Contractor's proposal attached hereto and made a part hereof.

2. *Cost:* $4,500.

3. *Period of Performance:* May 28, 1974 through June 30, 1975.

4. *Project Leader:* Robert L. Azevedo, Division of Fishery Services, Albuquerque, New Mexico.

5. *Equal Employment Opportunity:* The attached Form 3-176, entitled Equal Opportunity in Employment, is made a part of this contract.

6. A progress report will be made on the first segment of work due before final payment in June, 1975. A final report will be required upon the completion of the investigations of this contract.

7. The Contractor will correlate this study with those being conducted by Texas Parks and Wildlife Department's herpetological studies on this and related species of Texas.

THE UNITED STATES OF AMERICA,
W. O. NELSON, JR.,
Regional Director, Bureau of Sport Fisheries & Wildlife.

By:
MR. ROBERT A. THOMAS,
Research Associate.

JUNE 10, 1977.

AMENDMENT NO. 1 TO CONTRACT NO. 14-16-0002-3557

Contract No. 14-16-0002-3557 is hereby amended to include the Contractor's proposals for continuation of the work, dated February 13, 1976.

Cost: No additional funding.

Period of Performance: Completion extended to June 30, 1977.

Witnesseth: The Parties hereto do mutually agree to the extension of the contract in accordance with the attached proposal.

Date: April 19, 1976

THE UNITED STATES OF AMERICA,
THOMAS S. COTTON,
Chief, Contracting and General Services, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

By:
MR. ROBERT A. THOMAS.

APRIL 9, 1976.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-114-07; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.78-20610 Filed 7-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Florida 32780. Robert G. Yoder, Refuge Manager.

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
1) capture, band, color-mark and release a maximum of 100 sparrows
2) conduct year-round observation of the species
3) Prescribed burning, brush control, and water level manipulation as needed to manage the species

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Merritt Island National Wildlife Refuge
P.O. Box 6504
Titusville, Florida 32780

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
U.S. Fish and Wildlife Service
National Wildlife Refuge

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U.S. Fish and Wildlife Service

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Robert, G. Yoder, Refuge Manager, 305/867-4820
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
St. Johns River flood plain and the Merritt Island National Wildlife Refuge in Brevard County, Florida

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
Federal bird banding #9066

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Will obtain permit from State of Florida

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: ASAP
11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attached is Part 17.22 as requested.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Robert G. Yoder — DATE 6/7/76

3-200 GPO 895-842

In accordance with 50 CFR 13.12(b), I am hereby submitting the following supplemental information for a prmit for scientific purposes as outlined in Part 17.22 (FEDERAL REGISTER, Vol. 40, No. 188, September 26, 1975).

(1) Permit necessary to capture, band, color-mark, and release not more than 100 dusky seaside sparrows (*Ammospiza maritima nigrescens*) of various age and sex. Also year-round observations of the bird at all stages of its life history will be conducted. Management activities will be conducted to enhance the survival of the species. These activities will include prescribed burning, brush control, and water level manipulation as needed to manage the species.

(2) These birds all exist in the wild.

(3) N/A.

(4) N/A.

(5) Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Florida 32780

(6) (i).

(ii) Dr. Baker is the leader of the Dusky Seaside Sparrow Recovery Team and has conducted research on the Dusky Seaside Sparrow for the U.S. Fish and Wildlife Service from 1971 thru 1975.

(iii) I am willing to participate in a cooperative breeding program, if the recovery team deems this action necessary, and to maintain or contribute data to a studbook.

(iv) N/A.

(v) None.

(7) The Dusky Seaside Sparrow Recovery Team will assist in implementing the activities specified in the recovery plan, after this plan is approved by the Director, U.S. Fish and Wildlife Service.

(8) Dusky Seaside Sparrows will be captured in mist nets, banded with aluminum and plastic colored leg bands, and released in order to study movements, population dynamics, and obtain basic life history data on this species. Subsequent and supplemental observations will be conducted.

Research will also be conducted to determine management procedures which will then be instituted as needed. These practices will include prescribed burning to eliminate unwanted brush, maintain desired cordgrass (*Spartina bakerii*) density, and prevent wildfires; brush control by herbicides and mechanical removal; and water level manipulation by either pumping or reducing runoff flow to maintain proper vegetational densities and compositions.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-257-07,B; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-20611 Filed 7-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: **New Mexico State University, Department of Fishery and Wildlife Sciences, Box 4901, Las Cruces, New Mexico 88003. Sanford D. Schemnitz, Department Head.**

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (date, year) 892

☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
(a) Electrofish, examine, and release alive back into streams 650 Gila trout (endangered species) to obtain ecological information. (b) Take and preserve 15 Gila trout from Iron Creek and each additional stream with possible Gila trout populations for taxonomic examination. (c) Sacrifice 100 Gila trout for a disease status evaluation from Main Diamond Creek to check feasibility of establishing Gila trout broodstock in a national fish hatchery.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Department of Fishery and Wildlife Sciences; Box 4901; New Mexico State University; Las Cruces, New Mexico 88003
505-646-1544

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Dept. of Fishery and Wildlife Sciences is a teaching and research department offering B.S. and M.S. degrees. Research activities are handled through the Agricultural Experiment Station of the College of Agricultural and Home Economics.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Sanford D. Schemnitz, Department Head, Dept. of Fishery and Wildlife Sciences, 505-646-1544

IF INCORPORATED, GIVE STATE IN WHICH INCORPORATED
New Mexico

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Electrofishing and collections in the Gila National Forest, New Mexico. Laboratory analysis in Neale Hall, NMSU, Las Cruces, New Mexico.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
The New Mexico Department of Game and Fish will issue us state scientific collecting permits to handle resident fish.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
None Required

10. DESIRED EFFECTIVE DATE: June 15, 1976

11. DURATION NEEDED: December 31, 1977

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attachments relative to Section 17.22 attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Sanford D. Schemnitz DATE June 1, 1976

3-200
(6/74)

GPO 895-042

Information Required for Obtaining Permits Under 17.22

(1) Gila trout, *Salmogilae* Miller 1950.

(a) Specimens to be handled will be electrofished from streams. The purpose of sampling is to document current status of existing Gila trout populations. Aspects to be analyzed are population density, growth rate, condition factor, and length-weight relationship. Therefore, measured sections of each stream will be electrofished to obtain estimates of number of fish per 200 feet of stream and to allow examination of fish. The approximate number of Gila trout to be electrofished will be as follows for the listed streams: Iron, 100; Mcknight, 100; Main Diamond 300; Sheep Corral, 50; and South Diamond, 100. A sample of up to 50 Gila trout per stream will be weighed, measured, and scale samples taken before releasing. The fish examined will not be selected for age or sex, except that young-of-the-year Gila trout will only be counted as they are electrofished.

(b) A museum collection of 15 Gila trout will be collected and preserved from the uppermost headwaters of Iron Creek for subsequent taxonomic analysis. This population was discovered in 1975 and the initial collection of 15 was made downstream from the headwaters. A similar-sized sample will be collected and preserved for later taxonomic analysis from any unsurveyed stream suspected of containing Gila trout. It is unlikely any new populations will be discovered, but if any potential populations are found they should be examined.

(c) Of the 300 Gila trout proposed to be electrofished in Main Diamond Creek, permission to sacrifice 100 Gila trout for a disease status evaluation is requested. The need for this disease evaluation is related to the desire of the Gila Trout Recovery Team to establish Gila trout brood stock in a disease-free national fish hatchery. Until the Gila trout in Main Diamond Creek have been examined by biologists of the U.S. Fish and Wildlife and declared free of communicable diseases, permission for introduction into a disease-free national fish hatchery cannot be obtained. If permission is granted to sacrifice the 100 fish requested, these fish will be used for all other examinations discussed under (1)(a). In addition, the 100 fish would also be preserved as museum specimens for eventual use in other ecological studies.

(2) All Gila trout to be covered by this permit presently occur as wild fish in streams in the Gila National Forest, New Mexico.

(3)(a) The sample of 15 Gila trout from Iron Creek would have to be preserved in 10% formalin so that later examination could be accomplished. Likewise, any as yet unknown population would require a preserved sample of 15 to enable taxonomic analysis.

(b) All Gila trout to be examined will be handled carefully. The mode of collection will be electrofishing with a battery-powered Smith-Root Type VII, pulsed D.C. electrofisher. Our experience indicates that trout can be examined and safely returned to the water in good condition if the following handling methods are used: (1) use lowest voltage that immobilizes fish; (2) do not leave fish in the electrical field for more than 10 seconds; (3) weigh, measure, and take scale samples as soon after shocking as possible (this allows handling while trout are still under the effects of electrical narcosis and are much easier and safer to handle); (4) transport trout to examination site at streamside in a soft mesh dip net if close enough or in 2 gallon plastic buckets if more than 50 feet from collection point; (5) do not transport more than two 6–8 inch trout per bucket; (6) partially replace water in the bucket periodically if trout held more than a few minutes; (7) order of examination should be weigh, measure, take scale sample for quickest and safest handling; (8) trout should be handled with wet hands and held firmly, but without excessive pressure; (9) after examination is completed, trout should be held in a dip net in non-turbulent, but well-oxygenated water until they exhibit strong swimming ability; (10) if trout do not recover quickly after examination, taking of scale samples should be discontinued; and (11) if trout still exhibit distress symptoms after taking scale samples has been discontinued, weighing and measuring should be discontinued. In the event that electrofishing and netting of Gila trout should cause mortalities in excess of 3–5 fish, (depending on the stream), electrofishing operations would be terminated.

(4) Not applicable.

(5) Any Gila trout which are preserved for future taxonomic or ecological examinations will be housed in the fish museum of the Department of Fishery and Wildlife Sciences; Box 4901; New Mexico State University; Las Cruces, New Mexico 88003. Specimens will be kept locked in Room 108, Neale Hall on the main campus. Examination of specimens will be done in either Room 108 or in the Research laboratory, Room 107. New Mexico State University is the state's land grant university with the main campus located at Las Cruces, New Mexico.

(6) Not applicable.

(7) A copy of the proposal submitted to the U.S. Fish and Wildlife Service is enclosed. This proposal lists Paul R. Turner and Douglas B. Jester, Assistant and Associate Professors, respectively, as principal investigators. Fisheries graduate students, Joaquim Mello and Richard Anderson, will perform the field research. Stream surveys and fish collections will be made between June 15 and December 31, 1976.

(8)(i), (ii) Activities and details of such activities are described under part (1) a, b, and c of this attachment. A more thorough description of the activities for which authorization is being sought can be found in the attached proposal.

(iii) The ecological evaluation of the existing Gila trout populations for which authorization is requested is desirable in order to document the status of the species. No ecological information is available on Gila

trout populations other than from Main Diamond Creek. In most cases, a good estimate of population size is not available for baseline reference purposes. This information will be valuable in evaluating any future management or climatic changes. In addition, surveys on these streams might discover some problem situation which needs immediate attention in order to safeguard the continued existence of a specific population. This is particularly likely in Iron Creek where only a 2–3 foot gravel of questionable stability separates the Gila trout population from a downstream population of brown trout.

The taxonomic status of the Gila trout has been recently described by a 1976 M.S. Thesis by a department graduate student, Mr. Robert E. David. Mr David has indicated that Gila trout from the headwaters of Iron Creek should be obtained for additional taxonomic analysis. Likewise, trout from any unsampled stream which are found to have questionable genetic background should be examined.

The disease status evaluation of Gila trout in Main Diamond Creek is a necessary step in obtaining permission to establish broodstock in a national fish hatchery. Establishment of broodstock for Gila trout propagation is one of the objectives of the Draft Gila Trout Recovery Plan which will soon be released. Disease evaluation is also desirable prior to any future transplants of Gila trout to approved restoration streams. If the Draft Gila Trout Recovery Plan is approved later this summer, the possibility of a transplant of Gila trout into an already-selected stream is a distinct possibility for fall 1976. At the present time, the estimated 4,000± Gila trout in Main Diamond Creek are quite stunted in size because of an extremely high population density. Some pools of less than 100 square feet and of average depth less than 18 inches presently contain 30–40 Gila trout. The removal of 100 Gila trout from Main Diamond Creek will, if anything, have a beneficial effect on the remaining Gila trout by alleviating competition. Previous removals of up to 300 Gila trout from Main Diamond Creek for transplant purposes have not had any negative effects.

(iv) All Gila trout which are not immediately returned alive to the streams after examination will be preserved as scientific specimens to be housed in the fish museum in the Department of Fishery and Wildlife Sciences at New Mexico State University. Only 15 specimens from Iron Creek and 100 specimens from Main Diamond Creek will be purposefully sacrificed. Any Gila trout which die accidentally will likewise be preserved as scientific specimens.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2–248–07; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–20612 Filed 7–15–76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Roeding Park Zoo, 894 West Belmont, Fresno, California 93728. Dr. Paul Chaffee.

OMB NO. 40-R1070

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check only one)
[X] EXPORT LICENSE [ ] PERMIT
FWS/LE PRT 2-229-07

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To export, through Mr. Clifford Wesdorf, 1.1 Panther tigris, as a bona fide gift to the Mexicali Zoo, Baja California, Mex for the purposes of propagation.
The Costa Mesa Lions Club has arranged this donation.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Paul S. Chaffee, D.V.M.
Roeding Park Zoo
894 W. Belmont
Fresno, California 93728
Phone (209) 488-1549

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
[ ] MR. [ ] MRS. [ ] MISS [ ] MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
A Municipal Zoo that is open to the public every day of the year, for the purposes of recreation, conservation, and education.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Paul S. Chaffee, D.V.M., Director, 439-5446

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
-0-

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Tigers taken, By Mr. Wesdorf, from the Roeding Park Zoo, Fresno and will hold them At Enchanted Village in Los Angeles for approximately one week. Mr. Wesdorf will arrange and transport the tigers to the Mexicali Zoo, Baja California, Mexico.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
Migratory Waterfowl Permits 2-519-SC and 2-155-SC. Brown Pelican Loan Permit PRT 2-336 AZ

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
--See Attached letter from State authorities.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
N/A

10. DESIRED EFFECTIVE DATE
As soon as possible

11. DURATION NEEDED
One week.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See copy of your letter and copy of Mr. Faist letter of approval.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Paul S. Chaffee DVM | DATE 17 June 1976

3-200

JUNE 25, 1976.

SPECIAL AGENT LEN SIMS,
USDI,
Fish and Wildlife Service,
Division of Law Enforcement,
P.O. Box 19183,
Washington, D.C. 20036

DEAR MR. SIMS: The following attachment is for the completion of an export permit application, which was sent earlier to your office.

In accordance with Sec. 17.22 of the Federal rules and regulations the following information is presented.

(1) Bengal Tiger, *Panthera tigris*, one male and one female, which were born on March 25, 1974 to be transported, via Mr. Clifford Wesdorf, from the Roeding Park Zoo, 894 W. Belmont, Fresno, California 93728, to the Mexicali Zoo, Baja California, Mexico; and presented to their Governor as a bona fide gift.

(2) iii Both tigers were born in captivity at the Roeding Park Zoo.

(3) N/A.

(4) Born in Fresno, California, U.S.A.

(5) Mexicali Zoo, Mexicali, Baja California, Mexico.

(6) ii See attachment A.

iv Each tiger was placed in a steel crate, for the duration of the transporting, that can be described as follows: Height 4 feet, Width 34 inches, Length 5½ feet. The top and bottom were composed of 1-inch plywood. The four sides were ⅝-inch vertical steel bars, which were 3 inches apart. The sliding doors at each end were secured with steel locks.

(7) Mr. Clifford Wesdorf is to pick up said tigers, in the above described crates, on June 4, 1976 from Dr. Paul S. Chaffee, D.V.M. of the Roeding Park Zoo, Fresno, California. Mr. Wesdorf will then transport the Bengal Tigers to the Mexicali Zoo, and be presented to the Governor of Baja California on June 12, 1976.

(8) i To export, via Clifford Wesdorf, one male and one female Bengal Tiger to the Mexicali Zoo as a bona fide gift.

ii Dr. Chaffee, of Roeding Park Zoo, will carry out the removal of the tigers from their enclosure at the zoo to the crates provided by Mr. Wesdorf. Mr. Wesdorf, 2700 Harbor Blvd., Costa Mesa, California, 92626, will transport and care for the tigers until they arrive at the Mexicali Zoo for presentation to that area's Governor, as a bona fide gift.

iii This activity will provide a different zoo with a young pair of Bengal Tigers for the purpose of enhancing the propagation and survival of an endangered species.

iv N/A

Sincerely,

PAUL S. CHAFFEE, D.V.M.,
Director Of The Zoo.

ATTACHMENT A

Curriculum vitae for Paul S. Chaffee, D.V.M.

Personal: Present Position: Director, Roeding Park Zoo. Present address: 892 W. Belmont Avenue, Fresno, California 93728.

Sex: Male. Age: 46. Marital Status: Married, four children, ages 15–24.

Education: B.S. Degree—Michigan State University 1951. Doctor of Veterinary Medicine with honors, Michigan State University, College of Veterinary Medicine, 1953.

Experience: Employed in Chicago at Peigh Animal Hospital, 2 yrs. Private practice in Fresno for ten years, 1955–65. McKinley Pet Hospital. Zoo Veterinarian, Roeding Park Zoo since 1960. Roeding Park Zoo Director-Veterinarian—1965.

Professional affiliations: Past President American Association of Zoo Veterinarians. American Veterinary Medical Association. Ecological Studies Committee, California Veterinary Medical Association. Central California Veterinary Medical Association. Professional Registration—American Association of Zoological Parks and Aquariums. Fresno Rotary Club. Wild Life Disease Association. Wild Water Fowl Association. Wild Life Society. Fresno Zoological Society. Western Regional Zoo Conference.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-229-07; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 12, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-20613 Filed 7-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: San Antonio Zoological Gardens & Aquarium, 3903 North St. Mary's Street, San Antonio, Texas 78212, Louis R. DiSabato, Director.

OMB NO. 42-R1610

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To purchase in interstate commerce and transport one captive born female ruffed lemur (Varecia variegatus) from the San Diego Zoo, San Diego, California, to the San Antonio Zoo

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
San Antonio Zoological Gardens
& Aquarium
3903 N. St. Mary's Street
San Antonio, TX 78212
(512) 734-7183

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Gardens & Aquarium devoted to the exhibition, care and propagation of animals in captivity. Operated by the San Antonio Zoological Society for the city of San Antonio.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Louis R. DiSabato, Director, (512) 734-7183
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Texas

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
San Diego, California to
San Antonio, Texas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*) 2-SP-320
PRT8-279-C, ES-61,
PRT8-243-E, ES-78, ES-12, ES-48
2-PR-365

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list permit, clause and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE As soon as possible

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 C.F.R. 17.22(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachments for sections 6i, 6v, 7

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Louis R. DiSabato | DATE 6/2/76

3-200
(6-74)

DIRECTOR, USF&WS
Law Enforcement, USDI
Washington, DC 20240.

DEAR SIR: Enclosed is a permit application in accordance with paragraph 17.22 Title 50 CFR for the purchase in interstate commerce and transport of one captive born female ruffed lemur (*Varecia variegatus*) from the San Diego Zoo, San Diego, California.

The following is the information required by paragraph 17.22:

1. One captive born female ruffed lemur (*Varecia variegatus*) born at the San Diego Zoo 1 May 1974. (See attachment.) To be purchased in interstate commerce and transported from the San Diego Zoo to the San Antonio Zoo as a mate for our male ruffed lemur.

2. The animal was born at the San Diego Zoo on 1 May 1974 and is still a resident there.

3. This application is for a captive born animal and will result in no death or removal of an animal from the wild.

4. Animal was born at the San Diego Zoo, San Diego, California, USA.

5. The animal will be displayed and maintained at the San Antonio Zoological Gardens & Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212.

6(i) It will be housed in the monkey house with the other small primates. The outside cage dimensions are 8 feet wide, 10 feet high and 15 feet deep. Several resting and climbing boards are in the cage plus several tree limbs. The outside cage connects to a cage inside the monkey house by a guillotine door. The inner cage is 6 feet wide, 7 feet high and 8 feet deep. It also contains resting boards and a nesting box. See attached photographs of ruffed lemur cage and diagram of monkey house.

6. (ii) The zoo director, assistant director and superintendent of mammals each has over 20 years experience in the management, care and handling of wild animals in captivity. The supervisor of the primates has 4 years experience. There is a fulltime resident veterinarian plus 4 health center attendants and 24 animal attendants in the mammal department. Ruffed lemurs have been maintained and exhibited in San Antonio Zoo since 10 November 1970 when a pair was received. In addition, a colony of ring-tailed lemurs has been maintained continuously since 1963, and offspring have been produced. The ruffed lemur pair had been observed mating, but no offspring were produced prior to the death of the female on 3 May 1974. The zoo staff has also had experience in maintaining dwarf galago, Senegal bushbabies, slow loris, potto, squirrel monkey, woolly monkey, red uakari, spider monkey, common marmoset, golden lion marmoset, white-fronted marmoset, cotton-top tamarin, Geoffory's tamarin, douc langur, gelada baboon, yellow baboon, Guinea baboon, Hamadryas baboon, capuchin monkey, black and white colobus, drill, mandrill, Celebes crested macaque, rhesus monkey, lion-tailed macaque, sooty mangabey, grey-cheeked mangabey, DeBrazza's monkey, diana monkey, mona monkey, moustached monkey, owl monkey, hairy Saki monkey, chimpanzee, orangutan and gorilla. Of these species, the slow loris, squirrel monkey, golden lion marmoset, gelada baboon, yellow baboon, Guinea baboon, black and white colobus, drill, Celebes crested macaque, sooty mangabey and grey-cheeked mangabey have been propagated in the collection.

6. (iii) The San Antonio Zoo will participate in cooperative breeding programs and in the maintenance of studbooks. A number of its animals are now on loan to other zoos for breeding programs, and several specimens are maintained on loan from other zoos for purposes of captive propagation. The zoo currently contributes information to studbooks on the maned wolf, white rhino, black rhino, clouded leopard, snow leopard, tiger, gorilla, Pere David deer, pygmy hippo, scimitar-horned oryx, addax, red wolf and golden lion marmoset. Zoo personnel are well-versed on the format and procedures used in these important records.

6. (iv) The shipping crate will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities will be built into the crates.

6. (v) The only death of a ruffed lemur in the past five years has been the female which died on 3 May 1974. This is the animal which we are seeking to replace. The female that died had been in the collection since 10 November 1970. Gross examination upon the death of the animal revealed some heart congestion and inflammation in the intestinal tract. Cultures from the intestine were submitted to a pathology laboratory, but no enteric pathogens were found. A copy of the necropsy report is attached.

7. Copies of the correspondence between the San Diego Zoo and the San Antonio Zoo regarding the availability of the female ruffed lemur are included as attachments.

8(i) The activity sought to be authorized by the permit is the purchase in interstate commerce and transport from the San Diego Zoo to the San Antonio Zoo one female captive born ruffed lemur. The purpose of the acquisition of this animal is to provide a mate for our male ruffed lemur. The ultimate goal is the captive propagation of the species.

8(ii) The animal will be shipped from San Diego, California to San Antonio, Texas, via commercial airline.

8(iii) This permit application is submitted in order to obtain a female ruffed lemur for the express purpose of captive propagation of the species. It would provide a mate for our lone male ruffed lemur.

8(iv) The wildlife will be maintained at the San Antonio Zoo in a breeding program for the remainder of its natural life. Any offspring produced as a result of our breeding program would be used for continued propagation of the species either at this zoo or to enhance the breeding potential of other zoos. In the event of the death of the animal covered by this permit, the carcass would be preserved and made available as a scientific specimen in accordance with existing federal regulations.

Sincerely,

LOUIS R. DISABATO.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-244-07; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-20614 Filed 7-15-76;8:45 am]

MARINE MAMMAL PERMIT

Issuance of Permit

On April 13, 1976, a notice was published in the FEDERAL REGISTER (Vol. 41, No. 72) that an application had been filed with the Fish and Wildlife Service by Dr. Donald B. Siniff, University of Minnesota, St. Paul, Minnesota 55108, for a permit to conduct activities with Sea otters (*Enhydra lutris*) for the purpose of scientific research.

Notice is hereby given that on July 12, 1976, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to University of Minnesota, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: July 13, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(7/74)

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY - STATUTES
16 USC 1371(a)(1)
REGULATIONS (Attached)
50 CFR 18.31

1. PERMITTEE

Donald B. Siniff
310 BioScience Center
University of Minnesota
St. Paul, Minnesota 55101

3. NUMBER
PRT 9-19-C

4. RENEWABLE: ☐ YES ☒ NO
5. MAY COPY: ☒ YES ☐ NO
6. EFFECTIVE: MAY 19 1975
7. EXPIRES: 5/15/76

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

9. TYPE OF PERMIT
Marine Mammal

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Prince William Sound, Amchitka Island, Alaska, and the Pacific coastal waters from Santa Cruz to Pt. Buchon in the State of California.

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and concurrent authority is granted to John R. Tester, 310 BioScience Center, University of Minnesota, St. Paul, Minnesota, and any person who is designated in writing by the permittee.

D. Authorized to capture, hold, mark with dye, transport, anesthetize, and attach telemetry equipment to no more than 25 sea otters. The studies are to be conducted in conjunction with Fish and Wildlife Service sea otter studies in California and Alaska. Cages and facilities for holding the sea otters after the initial observation period shall be determined by the Fish and Wildlife Service to be adequate for their health and well-being.

E. Authorized to possess carcasses of any sea otters killed accidentally or found dead of natural causes. These carcasses shall be retained and used for scientific purposes. The Director (FWS/LE) shall recommend disposition of any surplus remains.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS
A report of the activities conducted hereunder shall be made to the Director (FWS/LE), P.O. Box 19183, Washington, D. C. 20036, within 60 days of termination of the study or expiration date of the permit.

ISSUED BY → s/ Leon K. Pember FOR TITLE Chief, Division of Law Enforcement DATE MAY 19 1975

DISTRIBUTION

☆ U.S. Government Printing Office: 1974 - 624-848

F. Total mortality in Alaska and California not to exceed 10 per year. No more than two (2) mortalities shall be permitted to occur in the course of research on the California population. Should such mortalities occur, research activities shall be terminated pending determination by the Director as to the continued conduct of such research.

G. The procedures of telemetry attachment and color marking shall be proven reliable in Alaska before the same techniques are applied to California sea otter populations.

H. This permit must be in the possession of the person to whom it is issued, while the sea otters are in the possession of such person or agent.

I. A duplicate copy of this permit must be attached to the container in which the sea otters are placed for purposes of storage, supervision or care.

J. The container/cage in which the sea otters are transported must be plainly marked, labeled or tagged, indicating the names and addresses of the shipper and consignee and an accurate statement describing the contents by number and kinds.

K. Permittee and written designees must have a copy of this permit in their possession while conducting the activities authorized.

L. The sea otters are to be released at the sites where taken as soon as possible after dyeing and/or telemetry attachment is completed.

M. The U.S. Fish and Wildlife Service offices in Anchorage and Sacramento (see addresses below) must be notified seven days before commencing the permitted activities. The escape, loss, theft, or death of sea otters related to the permitted activities or any sea otters found dead of other causes shall be reported within 24 hours to the same offices.

Special Agent in Charge, U.S. Fish and Wildlife Service, 814 D Street, Anchorage, AK 99501 (Phone: 907-265-4808).

Special Agent in Charge, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room No. 2911, Sacramento, CA 95828 (Phone: 916-484-4748).

N. Maintain records as required in 50 CFR 13.46.

[FR Doc.76-20616 Filed 7-15-76;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant: Vancouver Public Aquarium, P.O. Box 3232, Vancouver, B.C., Canada V6B 3X8.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Collect 5 sea otters (Ehydra lutris) for public and educational display in the Vancouver Public Aquarium, Stanley Park, Vancouver, B.C. Canada

3. APPLICANT, (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Vancouver Public Aquarium
P.O. Box 3232
Vancouver, B.C. V6B 3X8

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Vancouver Public Aquarium is a private, non-profit association dedicated to the exhibition of living aquatic organisms for public recreational and educational purposes.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
K. Gilbey Hewlett, Curator
685-3364
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of California, exact location to be specified by California Dept. of Fish and Game. Most probably Monterey Peninsula.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO for USA
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: Sept. 1976
11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) K. Gilbey Hewlett — DATE June 17/76

3-200
(5/74)

Purpose: The purpose for requesting marine mammals is for public display to provide the general public the opportunity to observe and enjoy living marine specimens through interpretive educational and scientific biological exhibits.

Date: Dates requested for permit validity; September 1, 1976 through January 31, 1977. Probable collecting period, Sptember 1, 1976 through November 30, 1976.

Location: State of California. Exact collecting location to be designated by the California Department of Fish and Game. Probable location: Monterey Peninsula area.

Manner of taking: S.C.U.B.A. held, surface-capture device. Proved successful in approximately 39 sea otter captures to date by California Department of Fish and Game personnel with no incidence of injury or undue stress to the animals. No sedative drugs will be used.

Description of animals to be taken: Five sea otters (*Enhydra lutris*). *Age:* Sub-adult, approximately 1½ to 3 years. *Size:* Approximately 25 to 40 pounds. *Sex:* One (1) male; four (4) females.

Condition of animals: Nursing animals will not be taken. Pregnant animals will not be intentionally taken.

Population stock: The status of the California population of the sea otter is strictly monitored and managed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Research and mnitoring activities are designed to collect data needed to manage the population at a desirable and stable level. The presently estimated number of sea otters in the California population is 1,600 to 1,800 animals.

Manner of transportation: Surface truck and air carrier. Approximate length of time for capture and transport will be 8 to 15 hours, as follows:

	Hours
Capture time required	3 to 8
Surface transit from capture site to air terminal	1 to 2
Flight time	3 to 5
Surface transit from Vancouver International Airport to the Vancouver Public Aquarium	½ to 1

Care and maintenance during transit: Standard airline dog cages set in a solid plastic tray to facilitate easy cleaning of the animals and making handling of the animals unnecessary. Special attention will be given to the cleanliness and temperature during transit.

Cage size: 36" x 24" x 24". Open mesh type.

Applicant's qualifications: The Vancouver Public Aquarium has been actively involved with the capture and display of live aquatic animals for 20 years. Five full time biologists are supported by an additional 5 staff members trained in the care and handling of marine mammals.

Marine mammals presently held and length of tenure are: 2 *Orcinus orca*, No. of years at aquarium, female, 9 years, male, 7 years. 1 *Delphinapterus leucas*, male, 9 years. 2 *Callorhinus ursinus*, male, 12 years, juvenile male, 18 months. 1 *Enhydra lutris*, male, 7 years. 6 *Phoca vitulina*, 5 males, 1 female, 2 to 4 years.

The Vancouver Public Aquarium is the only public aquarium in North America which has met the standards set out by the American Association of Zoological Parks & Aquariums and has been accredited by the AAZPA Accreditation Committee.

Vancouver Public Aquarium staff have had experience in the handling and transport of wild sea otters as a number of staff members assisted in two sea otter transplant operations. These involved the capture of live sea otters from Alaskan waters, transport by air to Quatsino Sound and their release at predetermined sites.

Not applicable.

Not applicable.

Use of Display: The requested sea otters will be used for public display designed to illustrate the uniqueness of this particular marine mammal. Public viewing offers above and underwater viewing of the live animals plus large attractive and permanent graphic exhibits which explain accurately the sea otter's natural history and its historical association with man.

Trained guides working within the Aquarium will be giving periodic "minilectures" to visitors as they view the animals. The guides are university trained individuals who have in addition completed an intensive three-week training course in marine biology with emphasis on aquarium-held specimens.

Location of Display: Semi-detached, self-contained outdoor facility. (For details, see attached Newsletter Vol. XVII, No. 2, page 6. Since the time of writing, diatomaceous earth filter has been replaced with two pressure sand filters as this latter filtration method was felt to be superior for fur maintenance.)

Additional holding pens have been constructed in the Aquarium's off-display research area. The pens will be used to

acclimate newly arrived animals and provide professional and veterinary staff an opportunity to observe the animals and monitor their food intake prior to being placed on public display.

Display Times: During the Aquarium's regular hours of business. Winter: everyday 10:00 a.m. to 5:00 p.m. Summer: everyday 9:00 a.m. to 9:00 p.m.

Institution Status: The Vancouver Public Aquarium is a private, non-profit association which is entirely self-supporting.

Attendance: Annual attendance at the Vancouver Public Aquarium in 1975 was 720,221 individuals. (For details, see page 12, Annual Report of the Vancouver Public Aquarium.)

Educational Value: The sea otter display is an integral part of a marine mammal education program designed specifically for senior high school students. See Annual Report of the Vancouver Public Aquarium, p. 17. See Vancouver Aquarium Education Programs, 1975–76 "Marine Mammals 12." See Vancouver Aquarium Education Programs, 1974–75 "Marine Mammals 10, 11, 12."

Description of Institution: For a complete description of the Vancouver Public Aquarium and its activities. See Annual Report of the Vancouver Public Aquarium. See Research 1956–1974.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2–263–11; please refer to this number when submitting comments. All relevant comments received on or before August 16, 1976, will be considered.

Dated: July 13, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–20615 Filed 7–15–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Mississippi Grain Inspection Point

Statement of Considerations. The Woodson-Tenent Laboratories, Clarksdale, Mississippi, has requested that, effective September 1, 1976, its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Clarksdale, Mississippi, be canceled because they are unable to recover the cost of providing the service due to the low volume of inspections. Accordingly, the Agricultural Marketing Service proposes to cancel the designation of Woodson-Tenent Laboratories to operate as an official inspection agency at Clarksdale.

The State of Mississippi proposes to station a licensed grain sampler at Clarksdale, Mississippi, to provide grain inspection services at Greenville, Mississippi, effective September 1, 1976.

Other interested persons are hereby given opportunity to make application for designation to operate as an official inspection agency at Clarksdale, Mississippi, pursuant to the requirements in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inpection agency at Clarksdale, Mississippi.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk no later than August 16, 1976. All materials submitted 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)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on July 12, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–20605;Filed 7–15–76;8:45 a.m.]

GRAIN STANDARDS

North Dakota Grain Inspection Point

Statement of considerations. On May 26, 1976, there was published in the FEDERAL REGISTER (41 FR 21496) a notice announcing a request by Minot Grain Inspection, Inc., Minot, North Dakota, that its assignment at Williston, North Dakota, as a designated inspection point be revoked, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) issued under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*). The request was made because there is no longer sufficient volume of inspections to justify the continued stationing of a licensed inspector at Williston, North Dakota. Interested persons were given until June 25, 1976, to submit written views and comments with respect to the proposed revocation.

No comments were received with respect to the May 26, 1976, notice in the FEDERAL REGISTER. Therefore, the assignment of Williston, North Dakota, as a designated inspection point is revoked without prejudice to the Minot Grain Inspection, Inc. Minot Grain Inspection, Inc., will provide official sampling services at Williston, North Dakota, and official inspection service at Minot, North Dakota.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective July 16, 1976.

Done in Washington, D.C. on July 12, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 76–20606 Filed 7–15–76; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ 639]

SOIL SAMPLES

List of Approved Laboratories for Receipt

The purpose of this document is to revise the list of laboratories approved to receive shipments of soil samples for analysis.

This document lists certain laboratories as indicated herein which are approved by the Deputy Administrator for receipt in interstate commerce of soil samples for processing, testing, or analysis pursuant to sections 301.48–3, 301.80–3, 301.81–3, 301.85–3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48–3, 301.80–3, 301.81–3, 301.85–3).

Also, in connection with the regulations relating to the movement into or through the United States of soil from foreign countries or Territories or possessions of the United States (7 CFR 330.300 et seq.), this document lists certain laboratories as indicated herein which the Deputy Administrator has approved for receipt, under permit, of soil samples for research or analytical purposes in accordance with safeguards and other conditions specified in the permits.

The list reads as follows:

LABORATORY AND ADDRESS

A

A & H Corp., Consulting Engineers, Carbondale, IL
A & H Corp., Consulting Engineers, Champaign, IL
A & H Corp., Consulting Engineers, Chicago, IL
A & H Corp., Consulting Engineers, Peoria, IL
A & H Engineering Corp., Springfield, IL
A & L Laboratory, Memphis, TN [2] (6–30–79)
A & L Midwest Agriculture Laboratory, Inc., Omaha, NE [2] (2–28–78)
Abbott Laboratories, North Chicago, IL [3] (6–30–76) [1]
Ackenheil, A. C., & Associates, Inc., Nitro, WV
Ackenheil, A. C., & Associates, Inc., Pittsburgh, PA
Agrico Chemical Co., Washington Courthouse, OH
Agricultural Environmental Systems, Inc., Raleigh, NC [2] (6–30–81)
Agricultural Service Laboratories, Pharr, TX [2] (6–30–77)
Agricultural Technical Service (ATS), Bakersfield, CA [2] (5–31–79)
Agrimanagement, Yakima, WA
Alfred Agricultural and Technical Institute,

[1] See footnotes at end of document.

State University of New York, Department of Agronomy, Alfred, NY [2] (6–30–76)
Allied Chemical Corp., Morristown, NJ
Alum-A-Therm, Westminster, CA
Ambric Testing & Engineering Associates, Inc., Testing Laboratories, Arlington, VA
Amchem Products, Inc., Ambler, PA [2] (6–30–76)
American Cyanamid Co., Princeton, NJ [2] (6–30–80)
American Oil Co., Soil Laboratories, Holland, TX
American Oil Co., Soil Testing Laboratory, Yoder, IN
American Testing Engineering Corporation, ATEC Associates, Inc., Indianapolis, IN
American Testing Institute, San Diego, CA [2] (9–30–77)
Ameron, South Gate, CA
Amoco, Soil Guide Laboratory, Rochelle, GA
Anaerobe Laboratory, Virginia Polytechnic Institute and State University, Blacksburg, VA
Analysis Laboratories, Inc., Metairie, LA
Analytical Biochemistry Laboratories, Inc., Columbia, MO
Analytical Development Corp., Monument, CO [2] (6–30–79)
Analytical Research Labs., Inc., Monrovia, CA [2] (6–30–76)
Anco Testing Laboratory, Inc., St. Louis, MO
Anderson, Bradley, Dyess & Woods, Inc., El Paso, TX [2] (6–30–76)
Applied Agricultural Research, Inc., Lakeland, FL [2] (6–30–77)
Arizona State University, Tempe, AZ
Arizona State University, Department of Anthropology, Tempe, AZ [2] (6–30–79)
Arizona, Testing Laboratory, Phoenix, AZ
Arizona, University of, Department of Geosciences, Tucson, AZ [2] (6–30–80)
Arizona, University of, Department of Plant Pathology, Tucson, AZ [2] (6–30–77)
Arizona, University of, Department of Soils, Water, and Engineering, Tucson, AZ [2] (6–30–80)
Arkansas, University of, Experiment Station, Fayetteville, AR
Arkansas, University of, Rice Experiment Station, Stuttgart, AR [2] (6–30–76)
Arkansas Highway Department, Materials and Testing Laboratory, Little Rock, AR
Arkansas Laboratories, Inc., Fort Smith, AR
Armac Engineering, Inc., Tampa, FL [2] (12–31–77)
Asphalt Institute, College Park, MD [2] (5–31–78)
Asphalt Technology, Bellmawr, NJ
Astrotech, Inc., Harrisburg, PA
Atkins Farmlab, Chico, CA
Atlanta Testing & Engineering Co., Norcross, GA [2] (6–30–81)
Auburn University, Soil Testing Laboratory, Auburn, AL

B

Babcock, Edward S. & Sons, Riverside, CA
Baker, Michael, Inc., Rochester, PA
Barbot, D. C. & Associates, Inc., Florence, SC
Barrow-Agee Laboratories, Inc., Memphis, TN [1]
Battelle Northwest Laboratory, Richland, WA [2] (4–30–78)
B. C. Laboratories, Inc., Bakersfield, CA [2] (4–30–78)
Bechtel Corp., San Francisco, CA
Beckman, Inc., Microbics Operations, La Habra, CA
Belleville Area College Agricultural Club (Dust Kickers), Belleville, IL
Benedict, Bowman, Craig and Moos, Columbus, OH
Bethany Laboratory of Uni-Royal Chemical, Division of Uni-Royal, Inc., Bethany, CT
Biological Testing and Research Laboratory, Lindsay, CA
Biospherics, Inc., Rockville, MD [2] (12–31–77)
Black, Crow and Eidsness, Inc., Gainesville, FL [2] (6–30–76)
Boring Soils & Testing Co., Inc., Harrisburg, PA
Boswell, J. G., Co., Corcoran, CA [2] (6–30–76)
Bowes & Associates, Steamboat Springs, CO [2] (6–30–76)
Bowser-Morner Testing Laboratories, Inc., Dayton, OH
Brandley, Reinard W., Sacramento, CA
Braun Engineering Testing, Minneapolis, MN
Braun, Skaggs, and Kevorkian Engineering, Inc., Fresno, CA
Brigham Young University, Department of Anthropology & Archeology, Provo, UT [2] (1–31–77)
Bristol Laboratories, Syracuse, NY
Broeman, F. C., & Co., Cincinnati, OH
Brookhaven National Laboratory, Safety and Environmental Protection Division, Upton, NY [2] (4–30–78)
Brookside Farms Laboratory Association, Inc., New Knoxville, OH [2] (6–30–76)
Brown and Root-Northrop IRL, Houston, TX
Brucker & Associates, St. Louis, MO

C

CIBA-Geigy Corp., Agriculture Division, Greensboro, NC [2] (6–30–77)
CPC International, Inc., Argo, IL
California Department of Food & Agriculture, Chemistry Laboratories, Sacramento, CA
California Department of Public Works, Division of Highways Materials and Research, Sacramento, CA
California State Polytechnic College, Department of Biological Sciences, Pomona, CA [2] (6–30–77)
California Testing Laboratories, South El Monte, CA
California, University of, Agricultural Extension Service, Riverside, CA
California, University of, Department of Anthropology, Davis, CA [2] (6–30–77)
California, University of Department of Botany, Berkeley, CA [2] (6–30–76)
California, University of, Department of Civil Engineering, Davis, CA [2] (6–30–77)
California, University of, Department of Food Science & Technology, Davis, CA [2] (6–30–77)
California, University of, Department of Geography, Berkeley, CA [2] (6–30–80)
California, University of, Department of Near Eastern Studies, Berkeley, CA [2] (5–31–78)
California, University of (Los Angeles), Laboratory of Nuclear Medicine and Radiation Biology, Los Angeles, CA
California, University of (Southern), Department of Geological Sciences, Los Angeles, CA [2] (6–30–77)
California, University of, School of Engineering and Applied Science, Mechanics-Structures Department, Los Angeles, CA [2] (6–30–76)
California State College San Bernardino, Department of Biology, San Bernardino, CA [2] (6–30–77)
California State University, School of Agricultural Sciences, Department of Plant Sciences, Fresno, CA [2] (6–30–77)
Calspan Corp., Buffalo, NY
Campbell Institute for Agricultural Research, Cinnaminson, NJ [2] (6–30–77)
Campbell Institute for Agricultural Research, Riverton, NJ [2] (6–30–79)
Capozzoli, Louis J., & Associates, Inc., Baton Rouge, LA
Carpenter Construction Co., Inc., Virginia Beach, VA
Carpco, Inc., Jacksonville, FL [2] (2–28–78)
Cascade Agricultural Service Co., Mt. Vernon, WA
Center for Climatic Research, Madison, WI [2] (6–30–77)
Central Michigan University, Department of Biology, Mount Pleasant, MI [2] (6–30–81)
CH [2] M Hill, California, Inc., Redding, CA
CH [2] M Hill, Inc., Corvallis, OR [2] (4–30–79)
Chemagro Corp., Kansas City, MO [2] (6–30–77)
Chembac Laboratories, Charlotte, NC
CHEM-CRETE Corp., Menlo Park, CA [2] (6–30–77)
Chemical Service Laboratory, Inc., Jeffersonville, IN [2] (6–30–77)
Chemonics Industries, Phoenix AZ [2] (6–30–78)
Chevron Asphalt Co., Eastern Laboratory, Baltimore, MD
Chevron Chemical Co., Richmond, CA
Chevron Oil Field Research Co., La Habra, CA
Chicago, University of, Department of Geography, Chicago, IL [2] (6–30–76)
Chicago, University of, Oriental Institute, Chicago, IL [2] (4–30–78)
Christian Testing Laboratories, Inc., Montgomery, AL
Citizens National Bank of Paris Soil Testing Laboratory, Paris, IL
Clarkson Laboratory & Supply, Inc., San Diego, CA [2] (6–30–80)
C. L. C., Columbus, OH
Clemson University, Clemson, SC
Clinton Corn Processing Company, Clinton, IA [2] (6–30–79)
Coenen and Associates-Engineers, Newport News, VA
Coleman Engineering Laboratories, Inc., Augusta, GA
Colorado State University, Department of Agronomy, Fort Collins, CO
Colorado State University, Department of Economics, Fort Collins, CO
Colorado State University, Department of Microbiology, Ft. Collins, CO [2] (6–30–80)
Colorado, University of, Department of Geological Sciences, Boulder, CO [2] (6–30–80)
Colorado, University of, Institute of Arctic and Alpine Research, Boulder, CO [2] (5–31–78)
Colorado School of Mines, Research Institute, Golden CO [2] (6–30–80)
Columbia Research Corporation, Irradiation Service Division, Gaithersburg, MD [2] (9–30–77)
Commercial Testing & Engineering Co., Norfolk, VA
Commonwealth Laboratory, Inc., Greenville, SC
Commonwealth Laboratory, Inc., Richmond, VA
Connecticut, University of, Soil Testing Laboratory, Plant Science Department, College of Agriculture and Natural Resources, Storrs, CT
Consolidated Cigar Corp., Glastonbury, CT
Construction Aggregates Corp., Ferrysburg, MI
Contractors & Engineers Service, Inc., Fayetteville, NC
Contractors & Engineers Service, Inc., Goldsboro, NC
Cook Research Laboratories, Inc., Menlo Park, CA
Cook Associates, Oroville, CA
Cookwell Strainer, Cincinnati, OH
Cooper-Clark & Associates, Palo Alto, CA
Coors Spectro-Chemical Laboratory, Denver, CO
Core Laboratories, Inc., Aurora, CO
Core Laboratories, Inc., Houma, LA
Core Laboratories, Inc., Lafayette, LA
Core Laboratories, Inc., New Orleans, LA
Core Laboratories, Inc., Shreveport, LA
Core Laboratories, Inc., Farmington, NM
Core Laboratories, Inc., Hobbs, NM
Core Laboratories, Inc., Dallas TX
Core Laboratories, Inc., Casper, WY
Cornell University, Department of Agronomy, Ithaca, NY [2] (6–30–79)
Cornell University, Department of Floriculture and Ornamental Horticulture, Ithaca, NY [2] (6–30–76)
Craig Testing Laboratories, Mays Landing, NJ
Crobaugh Laboratories, Cleveland, OH
Crop Chemical Testing Services, Inc., Arcola, IL

D

Dade County Soils Laboratory, Homestead, FL[3] (6-30-77)
Dames & Moore, Denver, CO[3] (6-30-76)
Dames & Moore, Cincinnati, OH[3] (6-30-76)
Dames & Moore, Los Angeles, CA[3] (6-30-76)
Dames & Moore, San Francisco, CA[3] (6-30-77)
Dames & Moore, Atlanta, GA[3] (6-30-76)
Dames & Moore, Houston, TX[3] (6-30-80)
Dames & Moore, Park Ridge, IL[3] (6-30-78)
Dames & Moore, Cranford, NJ[3] (6-30-80)
Dames & Moore, Seattle, WA[3] (6-30-79)
D'Appalonia, E., Consulting Engineer, Inc., Pittsburgh, PA[3] (11-30-77)
Davey Tree Expert Co., Kent, OH
Daylin Laboratories, Inc., Los Angeles, CA
Delaware, University of, Department of Geology, Newark, DE[3] (9-30-77)
Del Monte Corp., San Leandro, CA
Del Monte Corp., Walnut Creek, CA
Delta Testing and Inspection, Inc., Baton Rouge, LA
Delta Testing and Inspection, Inc., Lafayette, LA
Delta Testing and Inspection, Inc., New Orleans, LA
Denver, University of, Department of Geography, Denver, CO[3] (6-30-77)
Diamond Shamrock Corp., Painesville, OH
Dickinson Laboratories, Inc., Mobile, AL
Dixie Laboratories, Inc., Mobile, AL
Dow Chemical Co., Walnut Creek, CA[3] (6-30-77)
Dow Chemical Co., Midland, MI[3] (6-30-76)
du Pont de Nemours, E. I. & Co., Industrial and Biochemicals Department, Foreign Sales, Wilmington, DE[3] (6-30-76)
Duke University, Durham, NC[3] (6-30-80)
Duke University, Department of Botany, Durham, NC
Duke University, Department of Zoology, Durham, NC[3] (6-30-81)

E

EFCO Laboratories, Tucson, AZ[3] (6-30-78)
Eagle Iron Works, Des Moines, IA[3] (6-30-77)
Effingham Equity, Effingham, IL
Eisenhauer Laboratories, Covina, CA
Ellerbe Architect, Bloomington, MN
Elmira College, Department of Biology, Elmira, NY[3] (6-30-80)
El Paso Chemical Laboratories, El Paso, TX[3] (6-30-78)
Emcon Associates, San Jose, CA
Empire Soils Investigations, Groton, NY
Engineering, Surveys, and Services, Columbia, MO
Engineers Laboratories, Inc., Jackson, MS
Engineers Testing Laboratories, Phoenix, AZ
Environmental Engineering, Watchung, NJ[3] (11-30-77)
Environmental Science & Engineering Corp., Mt. Juliet, TN
Environmental Statement Project, Argonne National Laboratory, Argonne, IL
Eustis Engineering Co., Metairie, LA
Evans, L. T., Inc., Los Angeles, CA

F

Farm Clinic, West Lafayette, IN[3] (6-30-76)
Fayette County Farm Bureau, Vandalia, IL
Federal Chemical Co., Columbus, OH
Fertilizers, John Taylor, Sacramento, CA
Florida Department of Agriculture and Consumer Services, Pesticide Residue Program, Tallahassee, FL
Florida State University, Dept. of Geology, Tallahassee, FL
Florida Testing Laboratories, Inc., St. Petersburg, FL
Florida, University of, Agricultural Research & Education Center, Bradenton, FL[3] (6-30-76)
Florida, University of, Agricultural Research & Education Center, Lake Alfred, FL
Florida, University of, Agricultural Extension Service, Soil Testing Laboratory, McCarty Hall, Gainesville, FL
Florida, University of, Department of Geology, Floyd Hall, Gainesville, FL[3] (6-30-79)
Florida, University of, Soil Science Department, Gainesville, FL[3] (6-30-76)
Flowers Chemical Laboratories, Altamonte Springs, FL
FMC Corporation, Agricultural Chemical Division, Middleport, NY[3] (5-31-78)
Foley, Hubert L., Jr., New Albany, MS
Foundation Engineering Consultants, Inc., Columbia, SC
Foundation Test Services, Inc., Bethesda, MD[3] (6-30-77)
Franklin, R. T., & Associates, Burbank, CA
Frederick Cancer Research Center, Fermentation Laboratory, Frederick, MD[3] (6-30-76)
Froehling & Robertson, Inc., Richmond, VA[3]
Fruco & Associates, St. Louis, MO
Fruin-Colnon Corp., St. Louis, MO
Fruit Growers Laboratory, Inc., Santa Paula, CA[3] (6-30-77)
F. S. Royster Guano Co., Toledo, OH
Fugro, Inc., Long Beach, CA[3] (6-30-77)
Fuller Company, Catasauqua, PA[3] (6-30-80)

G

GHT Laboratories of Imperial Valley, Inc., Brawley, CA[3] (6-30-76)
GREFCO, Inc., Torrance, CA[3] (6-30-78)
GREFCO, Inc., Lompoc, CA[3] (6-30-79)
GX Laboratories, Inc., Golden, CO[3] (6-30-77)
General Foods Corp., Food Products Division, Woodburn, OR[3] (6-30-80)
General Testing Laboratory, Kansas City, MO
Geochemical Surveys, Dallas, TX
Geologic Associates, Franklin, TN
Geologic Associates, Knoxville, TN
Georgia State Department of Transportation, Office of Material and Test, Forest Park, GA[3]
Georgia Testing Laboratory, Lithonia, GA
Georgia, University of, Cooperative Extension Service, Plant Pathology and Nematology, Athens, GA
Georgia, University of, Cooperative Extension Service, Soil Testing and Plant Analysis, Athens, GA
Georgia, University of, Department of Agronomy, Athens, GA[3] (6-30-81)
Georgia, University of, Institute of Ecology, Athens, GA[3] (6-30-80)
Geo-Survey, Inc., Camp Hill, PA
Geotechnical Consultants, Inc., Burbank, CA
Geotechnical Engineering-Testing, Inc., Mobile, AL
Geotechnical Engineers, Inc., Winchester, MA[3] (4-30-78)
Geo-Testing, Inc., San Rafael, CA[3] (6-30-79)
Gillen Engineering Co., Inc., Metairie, LA
Girdler Foundation & Exploration Co., Lenexa, VA
Glassmire, S. H., & Associates, Metairie, LA
Gooch, George W., Laboratory, Ltd., Los Angeles, CA
Gore Engineering, Inc., Metairie, LA
Grace, W. R., & Co., Columbia, MD[3] (6-30-77)
Grace, W. R., & Co., Fort Pierce, FL[3] (6-30-76)
Grace, W. R., & Co., Nashville, TN
Green Engineering Co., Sewickley, PA
Green Giant Co., Agricultural Research Department, Le Sueur, MN[3] (6-30-77)
Green Thumb Corp., Apopka, FL[3] (6-30-79)
Grimes, Walter B., & Associates, Chico, CA
Growers Chemical Corp., Milan, OH
Grubbs Consulting Engineers, Little Rock, AR
Gulf Coast Testing Laboratory, Inc., Corpus Christi, TX
Gulf South Research Institute, Baton Rouge, LA
Gulf South Research Institute, New Orleans, LA

H

Hales Testing Laboratories, Santa Clara, CA
Hales Testing Laboratories, Oakland, CA
Hallenbeck-McKay and Associates, Emeryville, CA[3] (6-30-76)
Hanson Engineers, Inc., Springfield, IL[3] (6-30-78)
Harding-Lawson Associates, San Rafael, CA[3] (6-30-80)
Harlan, R. C., and Associates, San Francisco, CA[3] (6-30-77)
Harris, Inc., Frederick R., Woodbridge, NJ[3] (6-30-76)
Harris Laboratories, Inc., Lincoln, NE
Harvard University, Peabody Museum, Cambridge, MA[3] (6-30-78)
Harvard University, Herbaria, Cambridge, MA[3] (6-30-80)
Harvard University, Soil Mechanics Laboratory, Cambridge, MA
Harza Engineering Co., Chicago, IL[3] (6-30-77)
Hawley & Hawley, Division of Skyline Labs, Inc., Tucson, AZ[3] (6-30-77)
Haynes, John H., Consulting Engineer, Dallas, TX
Hazen Research Inc., Golden, CO[3] (6-30-78)
Hazelton Laboratories, Inc., Falls Church, VA
Hector Agricultural Export Co., Miami, FL[3] (6-30-79)
Heinrichs Geoexploration Co., Tucson, AZ[3] (6-30-76)
Hemphill Corp., Tulsa, OK
Herbert & Associates, Virginia Beach, VA
Hercules, Inc., Wilmington, DE
Hess, John D., Testing Corp., El Centro, CA[3] (5-31-78)
Hoffman-LaRoche, Inc., Nutley, NJ[3] (6-30-78)
Hollywood Testing Laboratories, Hollywood, CA
Horvitz Research Laboratories, Huston, TX
Hoskins-Western-Sonderegger, Inc., Lincoln, NE[3] (6-30-77)
Hughes Aircraft Co., Culver City, CA[3] (12-31-77)
Hunt, Robert W., Co., Chicago, IL
Hunter College, Department of Anthropology, New York, NY
Hurst-Rosche Engineers, Inc., Hillsboro, IL

I

IIT Research Institute, Chicago, IL
IRI Research Institute, Inc., New York, NY
Illinois Division of Highways, Bureau of Materials, Chicago, IL
Illinois Division of Highways, Bureau of Materials, Dixon, IL
Illinois Division of Highways, Bureau of Materials, Effingham, IL
Illinois Division of Highways, Bureau of Materials, Elgin, IL
Illinois Division of Highways, Bureau of Materials, Paris, IL
Illinois Division of Highways, Bureau of Materials, Springfield, IL
Illinois Division of Highways, Carbondale, IL
Illinois Division of Highways, East St. Louis, IL
Illinois Division of Highways, Ottawa, IL
Illinois Division of Highways, Peoria, IL
Illinois, University of, Department of Agronomy, Urbana, IL
Illinois, University of, Department of Anthropology, Urbana, IL[3] (6-30-80)
Illinois, University of, at Chicago Circle, Department of Geography, Chicago, IL[3] (6-30-78)
Independent Testing Laboratories, Greensboro, NC
Indiana Farm Bureau Co-op, Indianapolis, IN
Indiana State Highway Commission, Division of Materials and Testing, Indianapolis, IN
Indiana University, Department of Geology, Bloomington, IN

Industrial Laboratories Co., Denver, CO
Insect and Plant Disease Clinic, Raleigh, NC
Institute for Research, Inc., Houston, TX
International Agriculture Services, San Francisco, CA [2] (6–30–77)
International Fertilizer Development Center, Muscle Shoals, AL
International Flavors and Fragrances (R & D), Union Beach, NJ [2] (3–31–78)
International Geochemics, Ltd., Gretha, LA [2] (6–30–76)
International Mineral & Chemical Corp., Libertyville, IL
International Mineral & Chemical Corp., Mulberry, FL
International Mineral Engineers, Inc., Golden, CO
International Research Corp., Mattawan, MI
Interpace Corp., Los Angeles, CA [2] (6–30–77)
Iowa State Highway Commission Soil Laboratory, Ames, IA
Iowa State University, Department of Agronomy, Ames, IA [2] (6–30–80)
Iowa State University, Engineering Research Institute, Ames, IA [2] (6–30–80)

J

Jennings Laboratories, Virginia Beach, VA
Jersey Testing Laboratories, Atco, NJ
Jersey Testing Laboratories, Newark, NJ
Johns Hopkins University, Department of Geography and Environmental Engineering, Baltimore, MD [2] (6–30–77)
Johnson Soil Engineering Laboratory, Palisades Park, NJ
Jones Ferro Magnetics, Inc., Jacksonville, FL [2] (1–31–78)
Joy Manufacturing Co., Denver Equipment Division, Denver, CO [2] (6–30–76)

K

Kaiser Agricultural Chemical Co., Sullivan, IL
Kaiser Agricultural Chemicals Corp., Savannah, GA
Kaiser Aluminum and Chemical Corp., Center for Technology, Pleasanton, CA [2] (6–30–80)
Kalo Laboratories, Inc., Quincy, IL
Kansas City Testing Laboratory, Inc., Kansas City, MO
Kansas City Testing Laboratory, Inc., Leawood, KS
Kansas State University, Civil Engineering Department, Manhattan, KS [2] (6–30–76)
Kansas, University of, Dept. of Geography-Meteorology, Lawrence, KS
Kearney Field Station, University of California, Division of Agricultural Sciences, Parlier, CA
Kelco Co., San Diego, CA [2] (6–30–76)
Kennecott Exploration, Inc., Salt Lake City, UT [2] (2–28–78)
Kentucky, University of, Department of Agronomy, Lexington, KY [2] (1–31–78)
Kentucky, University of, Division of Regulatory Services, Lexington, KY
Kerr-McGee Corp., Oklahoma City, OK [2] (6–30–76)
Kiniab, Inc., Cincinnati, OH
Kleinfelder, J. H., & Associates, Fresno, CA
Kleinfelder, J. H., & Associates, Merced, CA
Kleinfelder, J. H., & Associates, Sacramento, CA
Kleinfelder, J. H. & Associates, Stockton, CA [2] (6–30–81)
Krueger Enterprises, Inc., Cambridge, MA [2] (6–30–76)

L

LLFE Environmental Analysis Laboratory, Richmond, CA
Lake Ontario Environmental Laboratory, Oswego, NY
Langan Engineering Associates, Clifton, NJ
Langford & Meredith Laboratories, Division of The Analysts, Inc., New Orleans, LA
Larsen, Herluf T., Enola, PA
Larutan of the South, Hiram, GA
La Salle County Farm Bureau, Soil Testing Laboratory, Ottawa, IL
Law Engineering Testing Co., Atlanta, GA [1,2] (6–30–78)
Law Engineering Testing Co., Birmingham, AL [2] (4–30–78)
Law Engineering Testing Co., Charlotte, NC [2] (5–31–78)
Law Engineering Testing Co., Houston, TX [2] (5–31–78)
Law Engineering Testing Co., Marietta, GA [2] (5–31–78)
Law Engineering Testing Co., McLean, VA [2] (6–30–79)
Law Engineering Testing Co., Tampa, FL [2] (5–31–78)
Layne-Western Co., Kansas City, MO
Layne-Western Co., Kirkwood, MO
Lederle Laboratories, Pearl River, NY [2] (6–30–80)
Lerch Brothers Inc., Hibbing, MN [2] (6–30–80)
Leroy Crandall & Associates, Los Angeles, CA [2] (6–30–77)
Lewin, David W., Corp., Geotechnical Engineering, The Arcade, Cleveland, OH
Libby, McNeill, & Libby, Janesville, WI [2] (6–30–81)
Lilly, Eli, & Co., Greenfield, IN [2] (6–30–79)
Lilly, Eli, & Co., Lilly Research Laboratories, Indianapolis, IN [2] (6–30–79)
Lilly, Eli, & Co., Lilly Research Laboratories, Indianapolis, IN [2] (6–30–80)
Lockwood Corp., Gering, NE
Louisiana Department of Highways, Baton Rouge, LA
Louisiana State University, Sedberry, Joe E. Jr., Department of Agronomy, Soil Testing, Laboratory, Baton Rouge, LA [2] (6–30–80)
Louisiana State University, (Caldwell, Dr. A. G.) Department of Agronomy, Baton Rouge, LA [2] (6–30–81)
Louisiana State University, Coastal Studies Institute, Baton Rouge, LA
Louisiana State University, New Orleans, LA
Lowney/Kaldveer Associates, Palo Alto, CA
Lubbock Labs, Lubbock, TX

M

M & T Chemicals, Inc., Rahway, NJ
Maine State Highway Commission, Bangor, ME
Maine, University of, Orono, ME
Maine, University of, Plant & Soil Science Department, Orono, ME [2] (6–30–76)
Manchester College, Biology Department, North Manchester, IN
Mapco, Inc., Indiana Point Division, Athens, IL
Marathon Oil Co., Findley, OH [2] (6–30–77)
Marathon Oil Co., Littleton, CO [2] (6–30–77)
Marr-Waddoups and Associates, Pasco, WA
Maryland, University of, Department of Microbiology, College Park, MD [2] (5–31–78)
Mason-Johnston & Associates, Inc., Dallas, TX [2] (6–30–80)
Massachusetts Department of Public Works, Wellesley Hills, MA
Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, MA
Massachusetts, University of, Department of Plant and Soil Sciences, Amherst, MA
McCallum Inspection Co., Chesapeake, VA [1]
McClelland Engineers, Clayton, MO
McClelland Engineers, Inc., Houston, TX [2] 6–30–79)
McGauthy, Marshall, and McMillian, Norfolk, VA
Memphis State University, Department of Biology, Memphis, TN
Memphis State University, Department of Civil Engineering, Memphis, TN
Merck Institute for Therapeutic Research, Rahway, NJ [2] (6–30–78)
Merck & Co., Inc., Agri Chemical Development, Rahway, NJ
Miami, University of, Department of Biology, Coral Gables, FL [2] (6–30–76)
Miami, University of, Department of Microbiology, Miami, FL [2] (6–30–77)
Michigan Department of Public Health, Bureau of Laboratories, Division of Antibiotics and Fermentation, Lansing, MI [2] (6–30–78)
Michigan State University, Department of Animal Husbandry, East Lansing, MI [2] (6–30–76)
Michigan State University, Department of Botany and Plant Pathology, East Lansing, MI [2] (6–30–77)
Michigan State University, Department of Entomology, Nematology Lab, East Lansing, MI [2] (6–30–76)
Michigan State University, Crop and Soil Science Department, East Lansing, MI [2] (6–30–81)
Michigan State University, Soil Testing Laboratory, East Lansing, MI
Michigan, University of, Botany Department, Ann Arbor, MI [2] (6–30–79)
Michigan, University of, Department of Zoology, Ann Arbor, MI [2] (6–30–77)
Michigan Testing Engineers, Inc., Michigan Drilling Division, Detroit, MI
Midwest Research Institute, Kansas City, MO
Midwest Soil Testing Service, Danforth, IL
Mier, Ezra, Raleigh, NC
Miles Laboratories, Inc., Marschall Division, Elkhart, IN [2] (6–30–77)
Miles Laboratories, Inc., Miles Research Division, West Haven, CT [2] (6–30–77)
Milwaukee, City of, Sewage Commission, Milwaukee, WI
Minnesota Department of Highways, Office of Materials, St. Paul, MN
Minnesota Mining and Manufacturing Co., Agrichemical Laboratories, St. Paul, MN [2] (4–30–78)
Minnesota, University of, Department of Geology & Geophysics, Minneapolis, MN [2] (6–30–80)
Minnesota, University of, The Hormel Institute, Austin, MN [2] (6–30–76)
Minnesota, University of, Department of Plant Pathology, St. Paul, MN [2] (6–30–80)
Minnesota, University of, Department of Soil Science, St. Paul, MN [2] (6–30–80)
Mississippi State University, State College, MS
Mississippi, University of, University, MS
Missouri Highway Commission, Jefferson City, MO
Missouri, University of Department of Anthropology, Columbia, MO [2] (5–31–78)
Missouri, University of, Department of Food Sciences and Nutrition, Columbia, MO
Mobile Chemical Research Laboratory, Ashland, VA [2] (6–30–76)
Monsanto Co., Agricultural Division, St. Louis,, MO [2] (6–30–78)
Moore, George, Columbus, OH
Moran, Douglas E., Tustin, CA
Morse Laboratories, Sacramento, CA
Mountain States Research and Development, Tucson, AZ [2] (6–30–80)
Mueser, Rutledge, Wentworth, and Johnston, New York, NY [2] (6–30–80)

N

Na-Churs Plant Food Co., Forest City, AR
Na-Churs Plant Food Co., Marion, OH [2] (6–30–80)
Na-Churs, Red Oak, IA [2] (6–30–77)
National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA [2] (4–30–79)
National Bulk Carriers, Inc., New York, NY
National Laboratories, Evansville, IN
National Soil Services, Inc., Dallas, TX
National Soil Services, Inc., Houston, TX [2] (6–30–77)
National Spectographic, Division of Shiller Industries, Warrenville Heights, OH
Natural Resources Laboratory, Golden, CO
Nebraska Department of Roads, Soil Testing Laboratory, Lincoln, NE

Nebraska, University of, Department of Agronomy, Keim Hall, Lincoln, NE [2] (6–30–78)
Nebraska, University of, Department of Agronomy, Wheat Studies Laboratory, Lincoln, NE [2] (10–30–77)
Nelson Laboratories, Stockton, CA [2] (6–30–80)
Nevada State Highway Department Laboratory, Carson City, NV
New Hampshire, University of, Department of Earth Sciences, Durham, NH [2] (6–30–76)
New Jersey Department of Transportation, Trenton, NJ
New Mexico State Highway Department, Santa Fe, NM
New Mexico State University, Soil and Water Testing Laboratory, Las Cruces, NM [2] (5–31–78)
New York Botanical Garden, Cryptogamic Herbarium, Bronx, NY [2] (3–31–78)
New York State, University of, College of Environmental Sciences & Forestry, Dept. of Forest Botany & Pathology, Syracuse, NY [2] (6–30–80)
Niagara Chemical Division of FMC Corp., Middleport, NY
NL Industries, Inc., Baroid Division, Channelview, TX [2] (3–31–78)
NL Industries, Inc., Baroid Division, Malvern, AR [2] (3–31–78)
North Carolina Department of Agriculture, Raleigh, NC
North Carolina Department of Geology, Raleigh, NC
North Carolina State University, Department of Soil Science, International Soil Testing Project, Raleigh, NC [2] (6–30–80)
North Carolina, University of, Research Lab. of Anthropology, Chapel Hill, NC [2] (6–30–76)
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. J. N. Couch)
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. N. G. Miller [2] (6–30–80)
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. Edward G. Barry)
North Dakota State Highway Department, State Highway Department Laboratory, Bismarck, ND
Norvell Plowman Laboratories, Little Rock, AR
Nu-ag Laboratories, Inc., Rochelle, IL
Nutting, H. C., Co., Cincinnati, OH
Nutting, H. C., Co., Cincinnati, OH

O

Oak Ridge National Laboratory, Environmental Sciences Division, Oak Ridge, TN [2] (3–31–78)
Ohio Florist Association, Columbus, OH
Ohio State University, Botany Department, Columbus, OH [2] (6–30–76)
Ohio State University, Department of Agronomy, Columbus, OH [2] (6–30–80)
Ohio State University, Department of Pathology, Columbus, OH
Ohio State University, Institute of Polar Studies, Columbus, OH [2] (6–30–81)
Ohio State University, Ohio Extension Service, Columbus, OH
Ohio State University, Soil Testing Laboratory, Columbia, OH [2] (6–30–78)
Oklahoma State Highway Department, Materials Division, Oklahoma City, OK
Oklahoma State University, Stillwater, OK
Oklahoma State University, Department of Agromony, Stillwater, OK
Oklahoma State University, School of Civil Engineering, Stillwater, OK
Oklahoma Soil Testing Laboratories, Oklahoma City, OK
Oklahoma, University of, School of Civil Engineering and Environmental Science, Norman, OK
Old Dominion University, Norfolk, VA
Olson-Dykeman Laboratories, Freeport, IL
Onondaga Soil Testing, Inc., East Syracuse, NY
Oregon State Highway Department, Salem, OR [1]
Oregon State University, Soils Department, Corvallis, OR [2] (6–30–76)
Osborne Laboratories, Inc., Sante Fe Springs, CA
Owens-Illinois Inc., Technical Center, Toledo, OH [2] (4–30–78)

P

Pacific Spectro Chemical Laboratory, Los Angeles, CA
Paleo Data, Inc., New Orleans, LA [2] (6–30–76)
Pan American Laboratories, Brownsville, TX [2] (6–30–80)
Parke, Davis, & Co., (Joseph Campau at the River), Detroit, MI
Parke, Davis, & Co., Res. & Med. Affairs, Biol. R. & D., Detroit, MI [2] (6–30–81)
Parrill, Irwin H., Edwardsville, IL
Pattison's Laboratories, Inc., Harlingen, TX [2] (6–30–80)
Patzig Testing Laboratories, Inc., Des Moines, IA
Pennima & Browne, Inc., Baltimore, MD
Pennsylvania State University, Department of Agronomy, University Park, PA [2] (6–30–81)
Pennsylvania State University, Department of Anthropology, University Park, PA [2] (6–30–76)
Pennsylvania, University of, Dept. of Geology, Philadelphia, PA [2] (6–30–78)
Pennsylvania, University of, Department of Physics, Philadelphia, PA [2] (6–30–77)
Perry Laboratory, Los Gatos, CA [2] (6–30–81)
Peters, Robert B., Co., Allentown, PA
Pfeiffer Foundation, Inc., Threefold Farm, Spring Valley, NY [2] (6–30–78)
Pfizer, Charles, & Co., Inc., Groton, CT [2] (6–30–81)
Phifer, Allen, Thorofare, NJ
Pickett, Ray, and Silver, St. Peters, MO
Pioneer Testing Laboratory, Inc., Redlands, CA
Pittsburgh Testing Laboratory, Pittsburgh, PA [1]
Pittsburgh, University of, Department of Biology, Pittsburgh, PA [2] (6–30–81)
Plains Laboratory, Lubbock, TX
Pope, W. I., Mobile, AL
Portland State College, Department of Biology, Portland, OR [2] (6–30–77)
Princeton University, Department of Geological & Geophysical Sciences, Princeton, NJ [2] (6–30–76)
Purdue University, Department of Agronomy, Lafayette, IN [2] (6–30–79)
Purdue University, Department of Entomology, Lafayette, IN [2] (6–30–77)

Q

Queens College, Flushing, NY

R

Raamot Associates, Corona, NY [2] (9–30–77)
Raba and Associates Consulting Engineers, Inc., San Antonio, TX [2] (1–31–78)
Raba Soil Testing Laboratory, San Antonio, TX
Rabe, Fred N., Engineering, Inc., Fresno, CA
Raymond International, St. Louis, MO
Reitz and Jens, Clayton, MO
Resources International, Fresno, CA [2] (6–30–79)
Richfield Oil Corp., Long Beach, CA
Ringel and Associates, Chico, CA
Rochester, University of, Department of Biology, Rochester, NY [2] (6–30–79)
Rocky Mountain Geochemical Corp., Midvale, UT
Rocky Mountain Geochemical Corp., Prescott, AZ
Rocky Mountain Geochemical Corp., West Jordan, UT [2] (6–30–80)
Rocky Mountain Technology, Inc., Golden, CO
Rosner-Hixon Laboratories, Chicago, IL
Royster Co., Norfolk, VA [1]
Rummel, Klepper, & Kahl, Lansdowne, MD
Rutgers, the State University, Department of Soils and Crops, New Brunswick, NJ [2] (6–30–76)
Rutgers, the State University, International Agricultural Programs, New Brunswick, NJ [2] (6–30–76)
Rutgers, the State University, Soils Extension Specialist, New Brunswick, NJ

S

San Diego State University, Department of Biology, San Diego, CA [2] (11–30–76)
San Fernando Valley State College, Department of Biology, Northridge, CA
Sayre & Sutherland, Inc., Richmond, VA
Schering Corp., Bloomfield, NJ [2] (6–30–79)
Scientific Associates, Inc., St. Louis, MO [2] (6–30–78)
Scott, O. M., & Sons, Seed Co., Marysville, OH
Scottland Soil Laboratory, Chrisman, IL
Seabrook Farms, Seabrook, NJ
Shankman Laboratories, Los Angeles, CA
Shannon & Wilson, Inc., Burlingame, CA
Shannon & Wilson, Inc., Portland, OR
Shannon & Wilson, Inc., Seattle, WA [2] (6–30–81)
Shannon & Wilson, Inc., St. Louis, MO
Shell Development Co., Biological Sciences Research Center, Modesto, CA
Shilstone Testing Laboratory, Inc., Baton Rouge, LA
Shilstone Testing Laboratory, Inc., Houston, TX
Shilstone Testing Laboratory, Inc., Lafayette, LA
Shilstone Testing Laboratory, Inc., Monroe, LA
Shilstone Testing Laboratory, Inc., New Orleans, LA
Skyline Laboratories, Inc., Wheat Ridge, CO [2] (6–30–77)
Smith-Douglas, Chesapeake, VA
Smith-Douglas Co., Division of Borden Inc., Columbus, OH
Smith, Kline, & French Laboratories, Swedeland, PA [2] (6–30–79)
Snohomish Farm Veterinary Service, Snohomish, WA
Soil and Materials Engineers, Detroit, MI
Soil and Plant Laboratory, Inc., Santa Ana, CA [2] 6–30–7)
Soil and Plant Laboratory, Inc., Santa Clara, CA [2] (6–30–80)
Soil Consultants, Inc., Charleston, SC
Soil Consultants, Inc., Merrifield, VA
Soil Control Laboratory, Watsonville, CA
Soil Engineering Services, Decatur, IL
Soil Exploration Co., St. Paul, MN
Soil Services, Inc., Moutain View, CA [2] (6–30–78)
Soil Systems, Inc., Marietta, GA
Soil Test, Moorestown, NJ
Soil Testing, Burlington, WA
Soil Testing Engineers, Inc., Baton Rouge, LA [2] (11–30–77)
Soil Testing Services, Inc., Northbrook, IL [2] (6–30–81)
South Alabama, University of, Department of Geology, Mobile, AL [2] (6–30–78)
South Carolina, University of, Department of Engineering, Columbia, SC
South Carolina, University of, Department of Geology, International Programs, Columbia, SC [2] (2–28–77)
South Dakota State Highway Department, Materials and Testing Department, Pierre, SD
Southern California Testing Lab., Inc., San Diego, CA [2] (5–31–78)
Southern Laboratories, Mobile, AL
Southern Methodist University, Department of Anthropology, Dallas, TX [2] (6–30–81)
Southern Technical Services, Inc., Jackson, MS
Southern Testing and Research Laboratories, Wilson, NC

Southern Testing Laboratory, Montgomery, AL
Southern Turf Nurseries, Tifton, GA [2] (6-30-79)
Southwestern Assayers & Chemists, Inc., Tucson, AZ [2] (6-30-79)
Southwestern Irrigation Field Station, Brawley, CA
Southwestern Laboratories, Inc., Houston, TX [1]
Southwestern Laboratories, Midland, TX [2] (6-30-77)
Spectograph Laboratory, Hayden, CO
Squibb, E. R., & Sons, Dept. of Microbiology, Lawrenceville, NJ [2] (6-30-79)
Stabilization Chemicals, Milpitas, CA [2] (6-30-77)
Standard Laboratories, Goodfield, IL
Standard Testing & Engineering Co., Oklahoma City, OK [2] (6-30-76)
Stanford Research Institute, Menlo Park, CA [2] (6-30-77)
State University of New York at Buffalo, Department of Civil Engineering, Buffalo, NY [2] (6-30-80)
Stauffer Chemical Co., Mountain View, CA
Stauffer Chemical Co., Richmond, CA
Stilwell & Gladding, Inc., New York, NY
Stone, Ralph and Co., Inc., Los Angeles, CA [2] (6-30-76)
Stoner Laboratories, Campbell, CA
Stoner Laboratories, Inc., Santa Clara, CA [2] (6-30-77)
Strawinsky Laboratory, Long Beach, CA
Suerdrup and Parcel & Associates, Inc., St. Louis, MO [2] (6-30-77)
Superior Oil Company, Geophysical Laboratory, Houston, TX [2] (6-30-79)
Syracause University Research Corp., Syracause, NY

T

T-M-T Chemical Co., Inc., Five Points, CA
Teichert, A., & Son, Inc., Sacramento, CA [2] (6-30-76)
Tennent & Associates, Memphis, TN
Tennessee, University of, Department of Geological Sciences, Knoxville, TN [2] (3-31-78)
Tennessee, University of, Soil Testing Laboratory, Nashville, TN
Tennessee Valley Authority, Materials Engineering Laboratory, Knoxville, TN
Terrasearch, Inc., San Jose, CA
Terratech, Inc., San Jose, CA
Test, Inc., Memphis, TN
Testing Engineers, Inc., Oakland, CA
Testing Engineers, Inc., San Jose, CA
Testing Service Corp., Wheaton, IL
Tetco, Trinity Engineering Testing Corp., Austin, TX
Tetco, Trinity Engineering Testing Corp., Corpus Christi, TX
Texas A & M University, Department of Sociology and Anthropology, College Station, TX [2] (6-30-80)
Texas A & M University, Department of Soil and Crop Sciences, Texas Agricultural Experiment Station, College Station, TX [2] (6-30-80)
Texas A & M University, Soil Testing Laboratory, Agricultural Extension Service and Experiment Station, College Station, TX [2] (6-30-81)
Texas Highway Department, Materials and Tests Engineering Division, Austin, TX
Texas Soil Laboratory, McAllen, TX [2] (6-30-78)
Texas Technological University, Department of Agronomy, Lubbock, TX [2] (6-30-76)
Texas Testing Labortaories, Dallas, TX
Texas, University of, (Austin) Department of Botany, Austin, TX [2] (6-30-77)
Texas, University of, Radiocarbon Laboratory, Balcones Research Center, Austin, TX [2] (6-30-79)
Thompson, Vester J., Jr., Inc., Mobile, AL
Three Gee Dee, Pembroke, FL
Tidewater Testing Laboratory, Inc., Virginia Beach, VA
Tippetts-Abbett-McCarthy-Stratton, New York, NY [2] (6-30-81)
Trinity Testing Laboratories, Inc., Corpus Christi, TX
Triple S Laboratory, Inc., Loveland, CO [2] (6-30-79)
Truesdale Laboratories, Inc., Los Angeles, CA
Tulane University, Department of Chemistry, New Orleans, LO [2] (6-30-77)
Tulane University, Department of Geology, New Orleans, LA [2] (5-31-78)
Tulsa, University of, Department of Geology, Tulsa, OK [2] (6-30-76)
Twin City Testing and Engineering Laboratory, Inc., St. Paul, MN
Twining Laboratories, Inc., Fresno, CA [2] (6-30-79)
Twining Laboratory of Southern California, Long Beach, CA

U

U.S. Agricultural Consultants Laboratories, San Gabriel, CA
U.S. Borax Research Corp., Anaheim, CA
U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, NY
U.S. Sugar Corporation, Research Department, Clewiston, FL
U.S. Terrestrial Plants Laboratory, Hanover, NH
U.S. Testing Co., Inc., Los Angeles, CA
U.S. Testing Co., Inc., Hoboken, NJ
U.S. Testing Co., Memphis Laboratory, Memphis, TN [2] (6-30-79)
U.S. Testing Laboratory, Richland, WA
USS Agri-Chemicals, Belmond, IA
USS Agri-Chemicals, Decatur, GA
Union Carbide Corp., Grand Junction, CO [2] (6-30-80)
Union Carbide Corp., Niagara Falls, NY [2] (6-30-80)
Union Carbide Corp., South Charleston, WV
Union Oil Company of California, Brea, CA
United Rice Growers and Millers, Maxwell, CA
Upjohn Co., Pharmaceutical Division, Kalamazoo, MI [2] (6-30-80)
Urban Testing and Construction Engineers, Inc., Atlanta, GA
Utah State University, College of Engineering, Agriculture and Irrigation Engineering, Logan, UT
Utah State University, Department of Biology, Logan, UT [2] (6-30-79)
Utah State University, Soil Laboratory, Logan, UT [2] (6-30-81)
Utah State University, Soil and Water Conservation Research, Mechanic Arts, Logan, UT
Utah State University, Crops Research Laboratory, Logan, UT
Utah, University of, Department of Anthropology, Salt Lake City, UT [2] (6-30-81)

U.S. GOVERNMENT

U.S. Department of Agriculture, APHIS, Environmental Quality Laboratory, Gulfport, MS
U.S. Department of Agriculture, APHIS, Westhampton Golden Nematode Facility Riverhead, NY
U.S. Department of Agriculture, APHIS, Gypsy Moth Laboratory, Otis AFB, MA
U.S. Department of Agriculture, APHIS, Southern Methods Development Laboratory, Gulfport, MS
U.S. Department of Agriculture, ARS, Washington, DC [1]
U.S. Department of Agriculture, ARS, Fruit, Vegetable, Soil, and Water Laboratory, Nematology Investigation, Weslaco, TX [2] (6-30-77)
U.S. Department of Agriculture, ARS, Southern Piedmont Conservation Research Laboratory, Watkinsville, GA [2] (6-30-78)
U.S. Department of Agriculture, ARS, U.S. Water Conservation Lab, Phoenix, AZ [2] (6-30-79)
U.S. Department of Agriculture, FS, Washington, DC [1]
U.S. Department of Agriculture, FS, Forest Products Laboratory, Madison, WI [2] (6-30-77)
U.S. Department of Agriculture, SCS, Washington, DC [1]
U.S. Department of Agriculture, SCS, Engineering and Watershed Planning Unit, Portland, OR [2] (6-30-77)
U.S. Department of Agriculture, SCS, Soil Survey Investigations Unit, Lincoln, NE [2] (6-30-78)
U.S. Department of Agriculture, SCS, Soil Survey Investigations Unit, Riverside, CA [2] (6-30-77)
U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, MD [2] (6-30-80)
U.S. Department of Defense, U.S. Air Force, AFCES/DL Civil Engineering Center, Tyndall AFB, Panama City, FL [2] (6-30-78)
U.S. Department of Defense, U.S. Air Force, Air Force Cambridge Research Laboratories (AFSC), Laurence G. Hanscom Field, Bedford, MA
U.S. Department of Defense, U.S. Air Force, Radiological Health Laboratory, Wright-Patterson AFB, OH [2] (6-30-81)
U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Kirkland AFB, Albuquerque, NM [2] (6-30-76)
U.S. Department of Defense, U.S. Air Force, Technical Operations Squadron, McClellan AFB, CA [2] (5-31-78)
U.S. Department of Defense, U.S. Army Corps of Engineers, Washington, DC [1]
U.S. Department of Defense, U.S. Army Corps of Engineers, South Atlantic Division Laboratory, Marietta, GA [2] (6-30-77)
U.S. Department of Defense, U.S. Army Corps of Engineers, Engineer Waterways Experiment Station, Vicksburg, MS [2] (4-30-78)
U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research, Fort Monmouth, NJ
U.S. Department of Defense, U.S. Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD [2] (6-30-80)
U.S. Department of Defense, U.S. Army Facility Engineering Support Agency, Engineering Division, Nuclear Branch, Fort Belvoir, VA [2] (6-30-79)
U.S. Department of Defense, U.S. Army Mobile Equipment Research Development Center, Countermine/Counter Intrusion Dept., Fort Belvoir, VA [2] (6-30-79)
U.S. Department of Defense, U.S. Army, South Pacific Corps of Engineers, Engineering Division Laboratory, Sausalito, CA [2] (6-30-78)
U.S. Department of Defense, U.S. Navy, Atlantic Division, Naval Facilities Engineering Command, Norfolk, VA [2] (6-30-76)
U.S. Department of Defense, U.S. Navy, Naval Facilities Engineering Command, Soil Mechanics and Paving Branch, Norfolk, VA
U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Mycology Branch, Atlanta, GA [2] (6-30-78)
U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, NM
U.S. Department of the Interior, Branch of Central Environmental Geology, Denver, CO [2] (6-30-76)
U.S. Department of the Interior, Engineering and Research Center, Bureau of Reclamation, Denver, CO [2] (12-31-77)
U.S. Department of the Interior, Geological Survey, Washington, DC [1]

U.S. Department of the Interior, U.S. Geological Survey, Branch of Analytical Laboratories, Reston, VA [2] (5–31–78)
U.S. Department of the Interior, Geological Survey, Branch of Exploration Research, Denver, CO [2] (6–30–76)
U.S. Department of the Interior, Geological Survey, Denver, CO [2] (6–30–78)
U.S. Department of the Interior, U.S. Geological Survey, Hydrologic Laboratory, Lakewood, CO [2] (3–31–78)
U.S. Department of the Interior, U.S. Geological Survey, Rock Magnetics Laboratory, Menlo Park, CA [2] (12–31–76)
U.S. Department of the Interior, National Park Service, Ecological Services Division, Bay St. Louis, MS
U.S. Department of the Interior, National Park Service Science Center, National Space Technology Labs., Bay St. Louis, MS [2] (6–30–76)
U.S. Department of Transportation, Federal Highway Administration, Washington, D.C. [2]
U.S. Department of Transportation, Federal Highway Administration, Vancouver, WA [2] (6–30–77)
U.S. Department of Transportation, Federal Highway Administration, Sevier County Industrial Park, Sevierville, TN [2] (6–30–76)
U.S. Environmental Protection Agency, Pesticides Monitoring Laboratory, Bay St. Louis, MS
U.S. Environmental Protection Agency, Robert Kerr Laboratories, Ada, OK

V

Valentine, James H., Lubbock, TX [2] (6–30–77)
Valmont Industries, Inc., Valley, NE
Value Engineering Company, Alexandria, VA
Velsicol Chemical Corp., Chicago, IL [2] (6–30–80)
Vermilion Co., Farm Bureau, Danville, IL
Vermont, University of, Burlington, VT
Virginia Department of Highways, Richmond, VA
Virginia Polytechnic Institute, Blacksburg, VA
Virginia Polytechnic Institute and State University, Department of Agronomy, Soil and Plant Analysis, Blacksburg, VA [2] (6–30–81)
Virginia Polytechnic Institute and State University, Biology Department, Blacksburg, VA [2] (9–30–77)
Virginia Truck Experiment Station, Painter, VA
Virginia Truck Experiment Station, Virginia Beach, VA
Virginia, University of, Department of Environmental Sciences, Charlottesville, VA [2] (6–30–77)
Vistron Company, Lima, OH

W

Wahler, W. A., & Associates, Palo Alto, CA [2] (4–30–79)
Walker Laboratories, Columbia, SC
Walker Laboratories, Florence, SC
Ward Engineering Testing, Inc., Atlanta, GA
Ward, J. S., & Associates, Caldwell, NJ [2] (6–30–76)
Ward Lind Engineers, Inc., Jackson, MS
Warf Institute, Inc., Madison, WI
Washington State University, Department of Botany, Pullman, WA [2] (6–30–76)
Washington, University of, College of Forest Resources, Seattle, WA [2] (6–30–81)
Washington, University of, Department of Anthropology, St. Louis, MO [2] (12–31–77)
Washington, University of, Department of Biology, St. Louis, MO [2] (6–30–76)
Washington, University of, Department of Geological Sciences, Seattle, WA [2] (6–30–77)
Washington, University of, Laboratory of Radiation Ecology, Seattle, WA [2] (6–30–80)
Washington University, St. Louis, MO
Weber State College, Department of Microbiology, Ogden UT
Western Agricultural Laboratory, Redlands, CA [2] (6–30–77)
Western Research Laboratories, Niagara Chemical Division, FMC, Richmond, CA
Westfall Engineers, Saratoga, CA
West Virginia Department of Highways, Charleston, WV
West Virginia, University of, Soil Testing Laboratory, Morgantown, WV
Westvaco Corp., Laurel Research Laboratory, Laurel, MD
Wharton County Junior College, Soil Testing Laboratory, Wharton, TX
Whitaker Laboratories, Inc., Savannah, GA
Whittaker Corp., San Diego, CA
William and Mary, College of, Williamsburg, VA
Williams, E. V., Co., Inc., Virginia Beach, VA
Wisconsin Department of Transportation, Madison, WI
Wisconsin, University of, Department of Anthropology, Milwaukee, WI [2] (6–30–79)
Wisconsin, University of, Department of Soil Science, Madison, WI [2] (6–30–79)
Wisconsin, University of, Department of Geography, Milwaukee, WI [2] (6–30–77)
Wolf's, Dr., Agricultural Laboratories, Fort Lauderdale, FL [2] (6–30–80)
Woodard Research Corp., Herndon, VA
Woodson-Tenent Laboratories, Memphis, TN [2] (6–30–80)
Woodward-Clyde Consultants, San Francisco, CA [1 2]
Woodward-Clyde Consultants, Clifton, NJ [2] (6–30–81)
Woodward-Clyde Consultants, Denver, CO [2] (6–30–77)
Woodward-Clyde Consultants, Plymouth Meeting, PA [2] (6–30–78)
Woodward-Clyde Consultants, San Diego, CA [2] (6–30–80)
Woodward-Clyde Consultants, Houston, TX [2] (6–30–78)
Woodville Lime Products, Woodville, OH
Wyoming, University of, Department of Botany, Laramie, WY [2] (6–30–76)

Y

Yakima Testing Laboratory, Yakima, WA [2] (6–30–79)
Yale University, Department of Anthropology, New Haven, CT [2] (6–30–76)
Yale University, Department of Geology & Geophysics, New Haven, CT [2] (6–30–78)
Yale University, Greeley Laboratories, New Haven, CT [2] (6–30–77)
Yeshiva University, New York, NY
Yule, Jordan, and Associates, Camp Hill, PA
Zeff Associates, Inc., Denver, CO [2] (6–30–76)
Zoecon Corp., Palo Alto, CA

Done at Washington, D.C., this 9th day of July 1976.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[1] Approval includes all branch laboratories in conterminous United States.

[2] Approved to receive soil samples pursuant to Subpart—Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) only.

[3] Approved to receive soil samples pursuant to Subpart—Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) and pursuant to sections 301.48–3, 301.80–3, 301.81–3, and 301.85–3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48–3, 301.80–3, 301.81–3, 301.85–3).

NOTE.—All laboratories not designated by footnote 2 are approved to receive soil samples pursuant to sections 301.48–3, 301.80–3, 301.81–3, and 301.85–3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48–3, 301.80–3, 301.81–3, 301.85–3). A date after a name indicates when approval to receive soil samples pursuant to Subpart—Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) expires.

[FR Doc.76 20427 Filed 7–15–76;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602, which will provide financing for the initial operation and development of strip mining of approximately 8,000 acres of Gamerco properties located near Gallup, New Mexico in McKinley County.

Interested persons are invited to submit comments which may be helpful in preparing the draft EIS.

Comments should be forwarded to the Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 9th day of July 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-20425 Filed 7–15–76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given of the combining of two systems of records, USDA/FCIC–2 Adjuster's Report (40 FR 38928, August 27, 1975) and USDA/FCIC–5 High Liability Inspection Form (FCIC–424) (40 FR 38929, August 27, 1975) into a single system of records known as USDA/FCIC–2 Inspector's Report (FCIC–26). Records formerly filed in the two previous systems of records have been combined into this single new system of records. The two systems of records were combined because they both involve analysis of the farming practices of the farmer and the potential capabilities and risks of the farm.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on this system of records change. Comments may be sub-

mitted to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250. All comments must be received on or before August 16, 1976.

In consideration of the foregoing, notice is hereby given of the following system of records:

USDA/FCIC–2

System name:

Inspector's Report (FCIC–26), USDA/FCIC

System location:

Regional Underwriting Offices and Regional Offices located below:

Southwest Region: 50th & North Pennsylvania, Suite 1210, 50 Penn Place, Oklahoma City, Oklahoma 73118.

Northwest Region: 2602 First Avenue North, Room 217, Billings, Montana 59101.

Southeast Region: Room M–116, 401 North Patterson Street, U.S. Post Office and Federal Building, Valdosta, Georgia 31601.

North Central Region: Federal Building and U.S. Courthouse, 600 East Monroe Street, Room 106, Springfield, Illinois 62701.

Regional Offices:

Fresno, California
Indianapolis, Indiana
Des Moines, Iowa
Manhattan, Kansas
St. Paul, Minnesota
Jackson, Mississippi
Billings, Montana
Lincoln, Nebraska
Raleigh, North Carolina
Bismarck, North Dakota
Columbia, South Carolina
Nashville, Tennessee
College Station, Texas
Spokane, Washington

Addresses of each Regional Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

Categories of individuals covered by the system:

Policyholders whose land productivity and/or farming practices are found to warrant a change in their actuarial classification or individuals who have filed applications for insurance with the total anticipated liability which substantially exceeds the average for the area.

Authority for maintenance of the system:

7 U.S.C. 1501–1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by state, county, and policy number.

Safeguards:

Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal:

Records are normally retained for two years following the crop year in which the reports were prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address:

Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Actuarial Division, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, or the Regional Underwriting Supervisor at the appropriate address previously furnished. A request for information pertaining to an individual should contain (1) individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual's policy number(s), if known.

Record access procedures:

Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures:

Same as access procedure.

Record source categories:

Information in this system comes sometimes from the applicant for insurance, the FCIC employee inspecting the farming operation, and in some cases, acreage and yield data obtained from the Agricultural Stabilization and Conservation Service.

Dated: July 12, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76–20530 Filed 7–15–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTERS SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (IV, 1974), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, August 12, 1976, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Reports on the work programs of the Subcommittees:
(a) Technology Transfer;
(b) Foreign Availability;
(c) Licensing Procedures; and
(d) Hardware.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 11, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that

the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), *i.e.*, it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the National security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56960).

Date: July 13, 1976.

RAUER H. MEYER,
Director Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-20560 Filed 7-15-76;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, August 4, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advsory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman
(2) Presentation of papers or comments by the public
(3) Discussion of work program of the Committee
(4) Reports of Subcommittees:
(a) New Technology
(b) Foreign availability
(c) Definitions

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975 pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57817) and amended on February 19, 1976 (41 FR 7536).

Date: July 13, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-20557 Filed 7-15-76;8:45 am]

Domestic and International Business Administration

SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Wednesday, August 4, 1976, at 10 a.m., in Room 4832, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee was established recently to advise the President and the Department of Commerce on ways to enable the Government to deal realistically and effectively with the problems of the business community regarding export licensing as affected by national security and foreign policy considerations.

This is the first meeting of the Subcommittee. Following remarks by Elliot L. Richardson, Secretary of Commerce, the Subcommittee will be briefed on progress to date in the administration of the export control program. The Subcommittee will then proceed to outline areas to be considered at future meetings. Also to be considered is a review of current legislative activity relating to extension and amendment of the Export Administration Act of 1969.

The meeting will be open to public observation with allowance for oral comments or questions by the public which do not exceed ten minutes each.

More extensive questions or comments should be submitted in writing before July 30, 1976. Other public statements regarding Subcommittee affairs may be submitted at any time before or after the meeting.

Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come, first-served basis.

Copies of minutes will be available 30 days after the meeting upon written request.

Persons who wish to attend the meeting should contact Katherine Ignowski, Office of the Director, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5753.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

JULY 7, 1976.

[FR Doc.76-20518 Filed 7-15-76;8:45 am]

UNIVERSITY OF PITTSBURGH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00358-01-77040. Applicant: University of Pittsburgh, Department of Chemistry, 234 Chemistry Building, Pittsburgh, Pennsylvania 15260. Article: Mass Spectrometer, Model Ch 5DF with accessories. Manufatcurer: Varian MAT, West Germany. Intended use of article: The article is intended to be used to provide a rapid and concise analysis of a wide variety of research samples, and application of mass spectroscopy to forensic pathology and the computerized analysis of complex mixtures of a wide variety of compounds. Specific investigations include the following:

(1) The synthesis of materials of biological importance and the development of new strategies for future synthetic undertakings,

(2) Studies involving chemical reaction intermediates and of their role in synthesis and elucidation of their role in organic reactions,

(3) Studies into possible reactive intermediate states and reactions, such as the exploring of organometallic chemistry of the bicyclo 2.2.0 hexadiene and bicyclo 2.2.0 hexatriene system,

(4) Determination of the precise mechanistic details of a reaction which is important in obtaining the best reaction conditions for obtaining a certain product,

(5) Investigations into the determination of the conformation of peptides and proteins in solution performed by observing the deuterium exchange in aqueous solution,

(6) Synthesis of the tumor inhibitor vernolepin and related compounds and the synthesis of prostaglandins and prostaglandin-like molecules,

(7) Investigation into the analysis of structures of many types of compounds.

In addition, the article is intended to be used for educational purposes in the following courses:

(1) Chem 170 and 171 Undergraduate Research and Seminar.

(2) Chem 138 and 139 Techniques of Organic Research and Laboratory.

(3) Chem 330 Advanced Topics in Organic Chemistry.

(4) Chem 297 Teaching of Chemistry.

Comments: No comments have been received with respect to this application. On April 14, 1975, a letter was received from Nuclide which stated inter alia that in its response to the applicant's Request for Proposal 373820, Nuclide stated "* * * the 12-90G(DF), its FI/FD/EI source and data processing system we have quoted meet or exceed all your specifications * * *" This letter, which was received after expiration of the period for comment, was treated as an offer to provide additional information in accordance with Subsection 301.-10 of the regulations (15 C.F.R. §301.10). Although this letter was characterized as "comments", only factual information from this material (such as copies of Nuclide's prior correspondence with the applicant) was utilized by either our consultants or the Department in reviewing this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant, in response to Question 8, alleged that certain of the article's features which are pertinent to the purposes for which the article is intended to be used are not matched in comparable domestic instruments. A discussion of these features and similar features offered by Nuclide in its response to the applicant's request for quote (RFQ) 373820 follows:

FIELD DESORPTION—FIELD IONIZATION—ELECTRON IMPACT (FD/FI/EI) SOURCE

The applicant has confidence in the source of the article but does not have similar confidence in the source offered by Nuclide. The article's FD/FI/EI source has an emitter probe assembly of rigid construction which the applicant states precludes the need for external emitter positioning controls to obtain maximum efficiency. Nuclide offered an FD/FI/EI system capable of using blade and wire type emitters which permits adjustment of the position of the probe through external controls while the source is being operated. The applicant terms such controls a time consuming variable unnecessary in a probe of the article's construction and claims there has never been a successful demonstration of the full function of Nuclide's source whereas the daily utility of the article's source has been clearly demonstrated.

In support of claims relating to the inadequacy of Nuclide's source, the applicant cites discussions with "the greatest user of the Nuclide 12-90G(DF) with FD/FI/EI sources (one of three sold)" wherein lack of precision in the positioning of the emitter wire and deficiencies in the emitters themselves is said to be the reason for unsuccessful performance in the FD mode. The applicant also states that the only recommendation Nuclide supplied was from an experiment performed with a source mounted in a bell jar, not in a mass spectrometer; that Nuclide did not provide specifications and performance data; and that no laboratories are using the Nuclide source on a daily basis. However, a review of Nuclide's detailed response to RFQ 373820 revealed the following:

(1) Nuclide has been offering an FD-FI probe since shortly after the inception of the two techniques (1954) and the firm has been continuously improving its product. The probe offered to the applicant is termed "third generation" design. Nuclide also pointed out that its emitter preparation system is presently being redesigned to incorporate provisions for preparing emitters more reliably "based on new developments made in the U.S. this past year." It was further pointed out that differences in the conditioning of the emitter wire (performed by the user) might be one of the main reasons for the greatly different sensitivities which various workers have achieved for seemingly nearly identical systems and conditions.

(2) Nuclide did provide the applicant with data obtained from bell-jar experiments intended to demonstrate that a very slight change in positioning greatly effected emission. It was also pointed out, however, that the phenomena observed in the bell-jar were also observed in the actual instrument and positioning was found to be even more critical to emission (a summary of these results was provided). Nuclide further suggested that the conservative sensitivity specifications of the foreign article might be related to difficulties in repositioning.

(3) Achieving optimum probe positioning is very important to achieving high sensitivity. Nuclide noted that it differed with the manufacturer of the article on philosophy of probe design but stated that the Nuclide design assures achieving the best sensitivity the FI or FD technique can give without degrading EI performance. Several advantages of an adjustable probe system over a rigid probe system were pointed out (e.g., compensation for emission from different locations on the emitter wire; compensation for heat distortion; compensation for difficulties in precise repositioning and compatibility with blades, wires or as yet undesigned emitters). More importantly Nuclide clearly offered to meet or exceed all specifications of the source other than design in the above cited proposal to the applicant. This included specifications for time (samples/hour and shifting from one mode to another), sensitivity, resolution, etc. We find this offer to be the equivalent of a guarantee. We note that Subsection 301.11 of the regulations stipulates that "guaranteed specifications" will be considered in the comparison of the foreign article and the most closely comparable domestic instrument.

RESOLUTION

The guaranteed resolution of the foreign article is 25,000 (10% valley). The 12-90G(DF) has a guaranteed resolution of 30,000 (10% valley). The applicant states that a considerable loss in sensitivity accompanies the increase in resolution with the domestic instrument. We note, however, that the foreign article also loses sensitivity as resolution is increased and that Nuclide stated that its instrument can exceed the sensitivity specifications in the applicant's RFQ at

all resolutions given (up to 20,000; 10% valley). Nuclide further pointed out to the applicant that as molecular weight of the sample increases or resolution increases beyond 10,000, the domestic instrument, with a larger analyzer radius and higher ion accelerating voltage, gains an increasing sensitivity advantage over the foreign article.

The applicant also stated a requirement for examination of a sample in both low- and high-resolution modes. This capability is accomplished, in the case of the foreign article, through the use of electrically operated, continuously variable source slits. (It is the capability of variation of resolution that is pertinent. The variable slits feature of the article, which confers this capability, is a design specification that is not, itself, pertinent.) Nuclide offered to provide the capability requested by the applicant (i.e., rapid switchover from low resolution, e.g., 750 to high resolution, e.g., 15,000). Nuclide, however, offered 6 externally adjustable slits selected by the buyer ranging from .0001" or .0005" to .030". Nuclide further offered, as an option, electromechanical means of variation of resolution (slits) from the front panel. In this connection, we note that continuously variable slits were a standard feature of the 12–90–G before Nuclide opted in favor of fixed slits. Thus, provision of continuously variable slits is already within Nuclide's capability.

SENSITIVITY

As noted in the discussion of the FD/FI/EI source and resolution, Nuclide offered to meet or exceed the applicant's stated sensitivity specifications.

SOLID SAMPLE PROBES

The applicant states this probe is specified to have a temperature precision of ±0.5° C, that temperature is automatically programmable from ambient to 400° C and that sample temperature should be independent of source temperature. The specifications in RFQ 373820 are based on the specifications of the foreign article. The RFQ specifies temperature stability of ±0.5° C at 250° C, probe system equipped with a temperature controlled heating unit, programmability between 3 seconds (flash evaporation) and several minutes for the temperature range 20° C to 450° C and final temperature preselectable. Nuclide offered either one special probe with temperature programmer or two probes covering the specified temperature range (—100° C to 450° C). Nuclide informed the applicant that, in instances involving a difference in detail between its quote and the requirements of RFQ 373820, absence of a comment meant the specification is accepted as written and will be met or exceeded. Nuclide's only comment was to offer the applicant a choice of one probe or two probes.

In reply to Question 7 the applicant referred to a requirement for a reverse Nier-Johnson configuration of the magnetic and electrostatic analyzers to obtain metastable ions as well as a requirement for a computer system. Although the applicant does not state that these feaures were not available domestically, we note that Nuclide offered the reverse configuration of analyzers, matching metastable capabilities and a data system which meets or exceeds specifications in the RFQ.

Nuclide did inform the applicant that it would not be able to match the delivery time requested but the applicant states, in response to Question 8(d), that excessive delivery time is not applicable.

The Department of Health, Education, and Welfare (HEW) reviewed this application and noted that the features offered by Nuclide were scientifically equivalent to the features cited by the applicant as a justification for duty-free entry. Accordingly, HEW recommended that the application be denied because the applicant has not identified a feature, which is pertinent within the meaning of § 301.2(n) of the regulations, upon which duty-free entry can be based.

In view of the foregoing, we find that Model 12–90–G(DF) manufactured by Nuclide is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-20521 Filed 7-15-76;8:45 am]

Economic Development Administration

SHRIMP-FISHING INDUSTRY

Study of the Producing Firms

SUMMARY

The Department of Commerce has conducted a study of firms in the shrimp-fishing industry pursuant to section 264 of the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commission makes an industry investigation under Section 201 of the Act. On May 11, 1976, the Commission submitted to the President its report on the shrimping industry. The Commission determined (by a vote of 3 to 2, with one abstention) that the U.S. shrimp-fishing industry is suffering serious injury from increased imports of shrimp and recommended that import relief in the form of adjustment assistance be provided to the domestic industry catching and landing shrimp.

In cases where the Commission recommends the provision of adjustment assistance, section 202 of the Trade Act specifies that the President shall direct the Secretaries of Labor and Commerce to give expeditious consideration to the petitions for adjustment assistance from affected workers, firms and communities. Section 202 also states that in the case of an affirmative finding by the Commission, the President shall determine whether to provide import relief and what method and amount of such relief will be provided in addition to the expeditious consideration of petitions.

Shrimp are mostly used as human food, but small quantities are used as fish bait. This report is primarily concerned with the shrimp-catching and shrimp-landing industry whose products are fresh shrimp, but more importantly shrimp packed in ice or frozen on board the vessel after the "head" (head, thorax, legs, viscera) has been removed. The edible "tail" represents about 50 percent of the animal's weight. Thus, most shrimp are landed and sold on a "head-off, shell-on" basis. For purposes of commercial grading, shrimp are classified by color (brown, white, pink) and size (the "count" is the number of shrimp per pound) which depends on species and stage of growth. Generally speaking, warm-water shrimp have a life cycle of about 1 year, grow faster, and are larger than cold-water shrimp. The smaller Northern cold-water shrimp are mostly pink in color, with a 4- or 5-year life cycle, but they reach commercial size in about 3 years.

Major U.S. shrimping areas are located in tropical and subtropical coastal waters of the Southeast Coast and the Gulf of Mexico. Cold-water shrimping areas are located off the New England Coast in the Atlantic and along the coast of Alaska to northern California in the Pacific.

Worldwide production of shrimp has almost doubled in the last decade. The U.S. and Japan are the major buyers in the international market. High prices and ready markets have brought some of the less-developed countries into the picture as suppliers. Reproduction of shrimp depends on many natural factors and shrimp populations vary from year to year.

U.S. shrimp landings reached a peak of 237 million pounds ("heads-off") in 1971 and then declined steadily to 208 million pounds in 1975. Apparent consumption of shrimp in the U.S. grew in the early 1970's to a peak of 440 million pounds in 1974 and then declined to 415 million pounds in 1975. The ratio of imported shrimp to domestic production fluctuated in the first half of the 1970's between a low of 81 percent in 1971 to 112 percent in 1974. In absolute figures, U.S. imports of shrimp declined from a peak of 254 million pounds in 1974 to 216 million pounds in 1975. Employment aboard U.S. shrimping vessels totals an estimated 21,550 persons, including many part-time employees.

A combination of adverse factors affected the shrimp-fishing industry in 1974. U.S. landings declined because of natural factors, particularly along the U.S. South Atlantic and Gulf Coasts, the major U.S. shrimping areas. In the same year, the Japanese reduced their imports of shrimp and the available supply apparently was diverted to the U.S. market. Imports started to climb from the early part of the year, and domestic inventories of frozen shrimp were reduced significantly, thus depressing ex-vessel prices. Because of the depressed price situation, shrimpers were unable to pass along the significant increases in operating costs, resulting from the inflationary situation in the U.S. economy and the sharp in-

crease in the cost of diesel fuel. Operating losses by the Gulf shrimpers and the shortage of lending capital created a tight financial situation that adversely affected the industry in 1974 and 1975, although the industry began a recovery commencing in the fourth quarter of 1974.

FIRMS ELIGIBLE FOR ADJUSTMENT ASSISTANCE

Section 264 requires that this study include consideration of "the number of firms in the domestic industry * * * which have been or are likely to be certified as eligible for adjustment assistance." To be certified, firms must show that increased imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number or proportion of their workers, and (b) an absolute decrease in their sales or production.

The size of the U.S. shrimping fleet can only be estimated partly because the forms of ownership vary from captain-owners of one or several craft to fleet-owning corporations to fleets owned by shrimp-processing firms, and partly because some vessels are also used to fish for crabs and finfish or are operated as a spare-time occupation, while others are full-time shrimpers but not necessarily working year-round. Overall, there are about 10,400 vessels engaged in shrimping full- or part-time, in addition to some 200 domestic processing facilities, some of which import all or a significant portion of the shrimp that they process and sell. The number of firms operating these vessels and processing facilities is unknown.

As of the date of this report, no petitions have been filed by firms in the industry seeking certification to apply for adjustment assistance. The likelihood of shrimp firms being able to meet the qualifying criteria for certification would depend on a number of unknown factors which could vary considerably in individual cases. Recordkeeping systems in some of the smaller firms may be inadequate for the purpose of providing complete and verifiable data to substantiate a petition for certification. The Department is unable to determine with any reasonable degree of accuracy the number of shrimp firms which might petition for certification and be able to meet the elgibility criteria, but it is believed that only a very small percentage of the firms in the industry could qualify.

Under the program of adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration ("EDA") in the Department of Commerce, financial assistance to a certified firm may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants, loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Works and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act Certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit indirectly from grants to the designated places and related entities for financing public works, and directly from business development loans and guarantees. Under PWEDA, neither loans nor guarantees can be used to assist firms in industries found to have long-term overcapacity. However, PWEDA does authorize technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, Department of Commerce, administers a program of financial and technical assistance to the U.S. fishing industry. Financial assistance includes a "Fishing Vessel Obligation Guarantee Program" and a "Fishing Vessel Capital Construction Fund." The obligation guarantee program provides Government loan guarantees to banks and other lenders for up to 75 percent of the cost of fishing vessel construction. The second program provides owners or lessors of documented vessels an opportunity to defer payment of Federal income taxes on taxable income from the operation of fishing vessels. The owner or lessor must agree to use, at some future time, the deferred taxes for construction, reconstruction, or acquiring vessels. Technical assistance to fisheries is available in several program areas. These include economics, marketing, fisheries technology and processing, business management, and in domestic and foreign market expansion.

The Farmers Home Administration ("FmHA") of the Department of Agriculture has programs that could benefit fishing firms, such as a program of loan guarantees to businesses located in areas other than cities of over 50,000 population. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA also can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population. These funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

The Small Business Administration ("SBA") administers three programs of potential assistance to small firms: A management assistance program of counseling and training; a loan program for local development companies; and a business loan program of direct, participating, and guaranteed loans. Eligibility is generally limited to independently owned and operated firms that are not dominant in their field and do not have over 500 average employment. The amount of the guaranteed loan, however, cannot exceed $350,000, and participating and direct loans have even lower limits.

Additional information about the adjustment assistance program and copies of the report, "Prospects for Adjustment Assistance for Firms in the Shrimp-Fishing Industry," are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377-5113).

CHARLES L. SMITH,
Acting Director, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 76-20520 Filed 7-15-76; 8:45 am]

WASHBURN WIRE CO.

Petition for a Determination of Eligibility

A petition by Washburn Wire Company, 300 Bourne Avenue, Phillipsdale, Rhode Island 02916, a producer of steel strip, rods and wire, was accepted for filing on July 12, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618. Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firms workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-20519 Filed 7-15-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Postponement

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice was given in the FEDERAL

REGISTER of May 28, 1976 (41 FR 21835) of a meeting of the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) which was scheduled on July 15, 1976. This meeting will be postponed because the Chairman of the committee cannot be present on that date.

The purpose of this notice is to announce the postponement of this meeting from July 15, 1976 to Thursday, August 5, 1976. The meeting will be held in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland, from 9:00 a.m. to 4:00 p.m.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3157).

Dated: July 13, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-20514 Filed 7-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice of Meeting of the National Advisory Council on Indian Education.

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) (5 U.S.C. Appendix 1), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held August 6, 7, 8, 1976 at the NACIE offices, Room 326, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act Title IV of P.L. 92-318, (20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evalutaion of grants made under section 303(b) of the Act of September 30, 1950, (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The August 6-8, 1976 meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of Section 10(d) of the Federal Advisory Committee Act (P.L. 92-463) and under the exemptions contained in the Freedom of Information Act, Section 552(b) (4) and (6) of Title 5 U.S.C., (P.L. 90-23), 45 CFR § 5.71(a) and § 5.71(c).

The proposed agenda includes:

(1) Review of Title IV proposals submitted under Section 423; and

(2) Recommendtaions to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on July 1, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-20550 Filed 7-15-76;8:45 am]

Food and Drug Administration

PUBLIC ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Ophthalmic Drugs Advisory Committee.	Aug. 2, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers La., Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 3:30 p.m.; closed committee deliberations 3:30 to 4:30 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

General function of the committee.—Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases and disorders of the eye.

Agenda—Open public hearing.—Any interested person may present data, information of views, orally or in writing, on issues pending before the committee.

Open committee discussion.—Presentations: extended wear of contact lenses (Arnauld F. Scafidi, M.D.); effectiveness of anti-infective steroid combinations—status (Merle L. Gibson, M.D. and Arnauld F. Scafidi, M.D.); and update on sulfur hexafluoride gas for retinal detachment surgery (Arnauld F. Scafidi, M.D.).

Closed committee deliberations.—Discussion of subjects shown above under open committee discussion. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with agency operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Dental Devices.	Aug. 2 and 3, 9 a.m., Room 3131, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Aug. 2, 9 to 10 a.m.; open committee discussion Aug. 2, 10 a.m. to 4 p.m., Aug. 3, 9 a.m. to 4 p.m.; D. Gregory Singleton, D.D.S. (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information on denture cushions, denture pads, analgesia-anesthesia machines to D. Gregory Singleton, D.D.S., Executive Secretary. Submission of data on tentative classification findings is also invited.

Open committee discussion.—The panel will complete final classification of Phase I devices plus initial classification of Phase II devices. These devices are: X-ray systems; plaque disclosing kits; pulp tester; cephalometer; lead-lined radiographic cone; intraoral and extraoral X-ray film; analgamator and accessories; instrument tray; drills; investment materials; denture curing unit; electroplates; grinding lathe; mixer and investor; stainless steel pressure chamber; sand blaster; soldering and bronzing apparatus; surveying parallelmometer; vacuum former; dental vibrator; wax boilout unit; laboratory rotary cutting instrument; waxes; electric laboratory saws; mandrels; heat source for bleaching teeth; rubber dam clamp; ultrasonic lab-cleaning units;

porcelain powders; bracket table assembly; dental operating unit; oral cavity evacuator; saliva ejector mouthpiece; foot controller for handpiece; operatory suction apparatus; radiographic processor; leaded apron; leaded operator-radiation-protector screen. Discussion and recommendations will be made concerning dental porcelains that contain uranium.

Committee name	Date, time, place	Type of meeting and contact person
3. Emergency Care Device Subcommittee of the Panel on Review of General Hospital and Personal Use Devices.	Aug. 2 and 3, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Aug. 2, 9 to 10 a.m.; open committee discussion Aug. 2, 10 a.m. to 4 p.m., Aug. 3, 9 a.m. to 4 p.m.; William C. Dierksheide, Ph. D. (HFK-44), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information about the classification of emergency care devices to William C. Dierksheide, Ph. D., Executive Secretary.

Open committee discussion.—The purpose of this meeting is to reconsider classification of the following devices: ostomy drainage bag; operating lamp; oxygen mask; venturi oxygen mask; mouth gag; oropharyngeal airways; portable oxygen equipment (for personal use); mixing oxygen regulator; reduction oxygen regulator; manual resuscitator; manual cardiac resuscitator; powered heart-lung resuscitator; GI and feeding tube catheter; intravascular catheter; infusion pump with pumping chamber; noninvasive infusion pump; patient care isolation chamber; intermittent positive pressure breathing bag; nasal prongs.

Committee name	Date, time, place	Type of meeting and contact person
4. Immunology Subcommittee of the Diagnostic Products Advisory Committee.	Aug. 6, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Amiram Daniel, Ph. D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7178.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information that may assist the subcommittee in writing justification for its tentative classification of products in Class II and III, pursuant to the Medical Device Amendments of 1976. This information should be submitted to S. K. Vadlamudi, D.V.M., Ph. D., Classification Head. Inquiries or information on other matters should be addressed to Amiram Daniel, Ph. D., Executive Secretary.

Open committee discussion.—The subcommittee will discuss its tentative classification of immunological products and will write justifications for the placement of those products that have been tentatively classified as requiring standards or premarket approval. These products are: Class III: anti-CEA serum; Regan (placental) alkaline phosphatase antiserum; Class II: antinuclear antibody; rheumatoid factor; radioallergosorbent test; pregnancy test kits; antimitochondrial antibodies; antismooth muscle antibodies; antiparietal antibodies; multiple autoantibodies; lupus erythematosus (latex agglutination type products); thyroid auto antibody (microsomal antibody); pneumonitis; hemolytic systems (complement fraction); hemolytic systems (cordis type kits); C-reactive protein (quantitative); antiserum to human serum proteins.

Committee name	Date, time, place	Type of meeting and contact person
5. Hematology/Pathology Subcommittee of Diagnostic Products Advisory Committee.	Aug. 10 and 11, 9 a.m., Room 1134, FB-6, 400 Maryland Ave. SW., Washington, D.C.	Open public hearing Aug. 10, 9 to 10 a.m.; open committee discussion Aug. 10, 10 a.m. to 5 p.m., Aug. 11, 9 a.m. to 5 p.m.; Kaiser Aziz, Ph. D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing/open committee discussion.—Interested parties are encouraged to present information about the classification of automated differential cell counters, hemoglobin, hemoglobin S, abnormal hemoglobins, prothrombin time, cell counts, partial thromboplastin time, fibrinogen, automated systems, and instruments for coagulation to Dr. S. K. Vadlamudi, Classification Head. Submission of data concerning classification of all in vitro diagnostic products in hematology and pathology is also invited. Information on items other than classification should be presented to Dr. Kaiser Aziz, Executive Secretary.

Committee name	Date, time, place	Type of meeting and contact person
6. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	Aug. 16 and 17, 9 a.m., Room 3173, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Aug. 16, 9 to 10 a.m.; open committee discussion Aug. 16, 10 a.m. to 5 p.m., Aug. 17, 9 a.m. to 4 p.m.; Bobbi Dresser (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearings.—Interested parties are encouraged to present information on classification of products listed in this announcement to Tom Tsakeris, Classification Head. Anything other than classification should be addressed to Ms. Bobbie Dresser, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion.—The Microbiology Subcommittee will review previous classification recommendations including a review of the supplementary data for the following products: Streptococcus pneumoniae antisera, all types; Streptococcus pneumoniae fluorescent antibody, all types; Streptococcus sp. antisera and antigens, all groups; Streptococcus sp. fluorescent antibody, all groups; streptolysin 0 reagent; streptococcal antideoxyribonuclease; streptococcal antihyaluronidase; streptococcal exoenzymes (multiple); antistreptokinase; coagulase plasma (human, horse, rabbit); meningococcus antisera, all groups; gonococcal antisera (direct test); gonococcal fluorescent antibody (direct test); Hemophilus influenzae antisera, all types; Hemophilus influenzae fluorescent antibody, all types; Salmonella antisera and antigens, all groups; febrile antigens (slide and tube), all groups; Shigella antisera, all types; Escherichia coli antisera and antigens, all types; Escherichia coli fluorescent antibody, all types; treponemal fluorescent antibody (including reactive and nonspecific control sera); treponemal antigen; treponemal hemagglutination test; complement fixation antigens for nontreponemal test; complement fixation control sera for nontreponemal test; agglutination/flocculation antigens and control sera; disk agar gel diffusion test to determine serum levels of gentamycin; nonantibiotic susceptibility discs; antimicrobial identification discs; complement fixation antigens and antisera for rubella; hemagglutination (hemagglutination inhibition); antigens and antisera for rubella; neutralization antisera for rubella; rabies fluorescent antibody; poliovirus complement fixation antigens and antisera (including control); poliovirus neutralizing antisera; poliovirus fluorescent antibody; adenovirus complement fixation antisera and antigens (including control); adenovirus hemagglutination antisera, (all types) and antigens (including control); adenovirus neutralization antisera, all types; adenovirus fluorescent antibody, all types; influenza complement fixation sera and antigens (including control); influenza hemagluetination antigens (including control) and antisera; influenza neutralization antisera; influenza receptor destroying enzymes; hepatitis viruses A and B complement fixation antigens; Epsteinbarr virus antigens and antisera; Coxsackie virus complement fixation sera and antigens (including controls); Coxsackie

virus neutralizing antisera, all types; Coxsackie virus fluorescent antisera, all types; ECHO virus complement fixation sera and antigens (including controls); ECHO virus hemagglutination antigens, all types; ECHO virus neutralizing antisera, all types; ECHO virus fluorescent antibody, all types; rubeola complement fixation antigens and antisera; rubeola hemogglutination antigens and antisera; rubeola neutralizing antisera; rubeola fluorescent antibody; serological products used in identification of Herpesvirus hominis (1, 2), varicella, RSV, parainfluenza (1, 2, 3, 4), lmphocytic choriomeningitis-virus, cytomegalovirus and mumps virus; Cryptococcus neoformans latex agglutination reagent; Cryptococcus neoformans fluorescent antibody; Blastomyces dermatitidis complement fixation kit; complement fixation kit for coccidioidin; latex agglutination kit for Coccidioides; agar gel diffusion kit coccidioidomycosis; histoplasmin latex antigen; histoplasmin postive control sera; Historplasma capsulatum fluorescent antibody; Toxoplasma gondii, complement fixation antigens; Toxoplasma gondii, hemagglutination (indirect) antigens; Toxoplasma gondii fluorescent antibody; Entamoeba histolytica latex agglutination kit; serological products for identification of Candida albicans. Performance limits for the product class standard for the nontreponemal tests for syphilis may be discussed in the afternoon of August 17, contingent upon completion of classification activities.

Committee name	Date, time, place	Type of meeting and contact person
7. Toxicology Subcommittee of the Diagnostic Products Advisory Committee.	Aug. 16 and 17, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Aug. 16, 9 to 10 a.m.; open committee discussion Aug. 16, 10 a.m. to 5 p.m., Aug. 17, 9 a.m. to 5 p.m.; Nabeeh Mourad, Ph. D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information about in vitro diagnostic products used for the determination of digoxin, digitoxin, drugs of abuse, alcohol, salicylates, anticonvulsant drugs, lead and other heavy metals analysis in biological specimens to Nabeeh Mourad, Ph. D., Executive Secretary, Toxicology Subcommittee, 8757 Georgia Ave., Rm. 1219-D (HFK-200), Silver Spring, Md. 20910 or to S. K. Vadlamudi, D.V.M., Ph. D., Classification Head, 8757 Georgia Avenue (HFK-440), Silver Spring, Md. 20910.

Open committee discussion.—The subcommittee will classify the following in vitro diagnostic products (August 16) products used for the determination of digoxin, digitoxin, drugs of abuse, alcohol and salicylates in biological specimens; (August 17) products used for the determination of anticonvulsant drugs, lead and other heavy metals analysis in biological specimens. In addition, the priority ranking of all the products used in clinical toxicology will be discussed.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Hemorrhoidal Drug Products.	Aug. 20 and 21, 9 a.m. on Aug. 20, Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 20, 9 to 10 a.m.; closed committee deliberations Aug. 20, 10 a.m. to 4:30 p.m., Aug. 21, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearings.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for the panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft nine of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Antimicrobial Agents.	Aug. 20, 21, and 22, 9 a.m. on Aug. 20, Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 20, 9 to 10 a.m.; closed committee deliberations Aug. 20, 10 a.m. to 4:30 p.m., Aug. 21 and 22, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for the panel (see also 21 CFR 330.10(a)(2)). Discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA, new drug application) material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Aug. 21, 22 and 23, 8 a.m. on Aug. 23, La Fiesta Room, Bel Air Sands Motor Hotel, 11461 Sunset Blvd., Los Angeles, Calif.	Closed committee deliberations Aug. 21 and 22, 9 a.m. to 4:30 p.m.; open public hearing Aug. 23, 8 to 9 a.m.; closed committee deliberations Aug. 23, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft four of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Miscellaneous External Drug Products.	Aug. 22 and 23, 9 a.m. on Aug. 23, Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Aug. 22, 9 a.m. to 4:30 p.m.; open public hearing Aug. 23, 9 to 10 a.m.; closed committee deliberations Aug. 23, 10 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of General Hospital and Personal Use Devices.	Aug. 23 and 24, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Aug. 23, 9 to 10 a.m.; open committee discussion Aug. 23, 10 a.m. to 4 p.m., Aug. 24, 9 a.m. to 4 p.m.; William C. Dierksheide, Ph. D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices to William C. Dierksheide, Ph. D., Executive Secretary.

Open committee discussion.—The purpose of this meeting is to reconsider classification of the following devices: ostomy drainage bag; operating lamp; oxygen mask; venturi oxygen mask; mouth gag; oropharyngeal airways; portable oxygen equipment (for personal use); mixing oxygen regulator; reduction oxygen regulator; manual resuscitator; manual cardiac resuscitator; powered heart-lung resuscitator; GI and feeding

tube catheter; intravascular catheter; infusion pump with pumping chamber; noninvasive infusion pump; patient care isolation chamber; intermittent positive pressure breathing bag; nasal prongs; neonatal invasive blood pressure monitor; umbilical artery catheter; neonatal invasive oxygen analyzer; neonatal open bed with radiant heat; neonatal incubator with accessories; neonatal incubator; neonatal transport incubator; newborn infant airways; premature infant airways; infant oxygen hood; neonatal pressure respirator; neonatal volume respirator; nursery apnea monitor; neonatal doppler blood pressure monitor; neonatal heart rate monitor; pediatric open bed.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Aug. 24 and 25, 9 a.m. on Aug. 24, Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 24, 9 to 10 a.m.; closed committe deliberations Aug. 24, 10 a.m. to 4:30 p.m., Aug. 25, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearings.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for the panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Dentifrices and Dental Care Agents.	Aug. 25 and 26, 9 a.m. on Aug. 25, Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 25, 9 to 10 a.m.; closed committee deliberations Aug. 25, 10 a.m. to 4:30 p.m., Aug. 26, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for the panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying an early draft of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
15. Oncologic Drugs Advisory Committee.	Aug. 26 and 27, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 26, 9 to 10 a.m.; open committee discussion Aug. 26, 10 a.m. to 4 p.m.; closed committee deliberations Aug. 26, 4 to 5 p.m.; open committee discussion Aug. 27, 9 to 11 a.m.; closed committee deliberations Aug. 27, 11 a.m. to 12:30 p.m.; Cyrus H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-5197.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearings.—Interested persons may present data, information or views, orally or in writing, on issues pending before the committee.

Open committee discussion.—Discussion of combination chemotherapy protocols design, methyl CCNU capsules (NDA 17–897, Bristol Laboratories), Fluorouracil capules, (NDA 17–816, Hoffman-La Roche, Inc.). There will be a labeling review which will be conducted by Vincent Gagliardi, M.D. Also there will be a presentation by Dr. S. Sieber of the National Cancer Institute on the review of selected toxicities of alkalating agents.

Closed committee deliberations.—Committee deliberation on methyl CCNU and Fluorouracil (NDA 17–897 and NDA 17–816). Status report on pending IND's (investigational new drug notices) and NDA's (new drug applications) by FDA staff. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and committee operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Antiperspirant Drug Products.	Aug. 26 and 27, 9 a.m. on Aug. 26; Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 26, 9 to 10 a.m.; closed committee deliberations Aug. 26, 10 a.m. to 4:30 p.m., Aug. 27, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing.—Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations.—The panel will review data submitted in confidence pursuant to the OTC (over-the-counter) review's call for data for the panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft one of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and panel operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
17. Panel on Review of Physical Medicine (Physiatry) Devices.	Aug. 27, 9 a.m., Room 6821, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Johnsie W. Bailey (HFK–440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7226.

General function of the committee.—Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing.—Interested parties are encouraged to present information on the devices listed below to Johnsie W. Bailey, Executive Secretary. Submission of data about tentative classification findings is also invited.

Open committee discussion.—Review of provisions of Medical Device Amendments of 1976 applicable to panel activities. Classification of the following devices: hand driving control; pneumatic structure orthosis; rigid powered traction device; external neuromuscular stimulator; special purpose wheelchair; powered wheelchair; limited purpose electromyograph; full purpose electromyograph; isokinetic testing and evaluation system; battery and line powered skin resistance meter; electrode gel; electrode needles; chronaximeter; time system; shortwave diathermy; microwave diathermy; ultrasonic diathermy; ultraviolet lamp; ultrasound and muscle stimulator machine; alternating pressure mattress; powered patient rotating beds; infrared lamp; pulsed shortwave therapy.

Each public advisory commitee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking

of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of maters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: July 13, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 76-20561 Filed 7-15-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

REGIONAL ADMINISTRATORS, ET AL.

[Docket No. D-76-449]

Redelegation of Authority

In order to expedite the processing of applications for block grants submitted for grants to meet emergency community development needs caused by federally recognized disasters, it has been determined that Regional Administrators and Area Directors should have the authority to review and approve applications submitted under section 107(a)(5) of the Housing and Community Development Act of 1974.

Accordingly, the Assistant Secretary amends the redelegations as follows:

Section B.3 of the Redelegation of Authority from the Assistant Secretary to Regional Administrators published February 5, 1975 (40 FR 5386) and amended as published December 23, 1975 (40 FR 59368) is changed to read as follows:

3. Approve applications under section 107, except section 107(a)(3), section 107(a)(5), and section 107(a)(6) (42 USC 5307) where the provisions of 24 CFR 570.408(c)(3) apply.

(Section 7(d) Department of HUD Act, 42 USC 3535(d)).

Effective date: This amendment is effective on July 16, 1976.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.76-20527 Filed 7-15-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and section 800.6 (g) of the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 C.F.R. 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on August 4-5, 1976, in Washington, D.C., and Gettysburg, Pennsylvania. The entire meeting is open to the public.

The Advisory Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665) to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the General Services Administrator, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

The meeting will begin at 10:00 a.m., Wednesday, August 4, 1976, in Room 2008, New Executive Office Building, 17th & H Streets, NW., Washington, D.C. On Thursday, August 5, the Council will have an on-site inspection and meet at the Gettysburg National Military Park, Gettysburg, Pennsylvania.

The agenda for the meeting includes the following:

I. Report of the Executive Director.

II. Report of the Office of Legal Counsel.

III. Report of the Office of Intergovernmental Programs and Planning.

IV. Report of the Office of Review and Compliance.

V. Consideration of preservation needs for Gettysburg National Military Park and environs.

VI. International Activities.

VII. Other Business.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Director, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street, NW., Washington, D.C. 20005 (202) 254-3974.

Date: July 13, 1976.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-20576 Filed 7-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Railroad Operating Rules Advisory Committee, August 17 and 18, 1976, at 9 a.m. each day, to be held at the Radisson St. Paul Hotel, 11 East Kellogg Blvd., St. Paul, Minnesota. The agenda for this meeting is as follows:

(a) Continued discussion of rules governing on-track inspection equipment;

(b) Presentation and discussion of Association of American Railroad Report No. R-223, "Analysis of Nine Years of Railroad Accident Data";

(c) Tour of Burlington Northern Northtown Yard facilities; and

(d) Review of initial draft of the Committee's final report to the Federal Railroad Administrator.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Gene O. Cox, Executive Secretary, Office of Federal Assistance, Federal Railroad Administration, 400 7th St. SW, Washington DC 20590; telephone (202) 426-4950.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on July 15, 1976.

BRUCE M. FLOHR,
Committee Chairman.

[FR Doc.76-20849 Filed 7-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-7-39, Docket 29364]

HUGHES AIRWEST

Order Dismissing Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of July, 1976.

On June 4, 1976, Hughes Air Corp., d/b/a Hughes Airwest (Airwest), submitted an application to the Board for an upward *ad hoc* adjustment to its Class Rate VII subsidy ceiling. Airwest states that the *ad hoc* adjustment may be required because of the carrier's reinstatement of service to Crescent City, Cali-

[1] See Airwest's application, page 1, and the July 1, 1976, O.A.G.

fornia,[1] on July 1, 1976.[2] However, Airwest further states that the *ad hoc* adjustment will be necessary only if the Board does not make the proposed Class Rate VIII effective on July 1, 1976.[3]

On June 30, 1976, the Board issued Order 76-6-194 which reopened, as of July 1, 1976, the final subsidy rate then in effect for the local service carriers, Class Rate VII. Class Rate VIII will, therefore, become effective on July 1, 1976.

Upon consideration of the foregoing, we have decided to dismiss Airwest's application as moot. As Airwest itself has stated, the need for an *ad hoc* adjustment has been obviated by the reopening of the final subsidy rate for the local service carriers as of July 1, 1976.

Accordingly, it is ordered that:

1. The application of Hughes Air Corps., d/b/a Hughes Airwest, in Docket 29364 be and it hereby is dismissed; and
2. This order will be served upon Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-20578 Filed 7-15-76;8:45 am]

[Order 76-7-40; Docket 27114, etc.]

PAN AMERICAN WORLD AIRWAYS AND TRANS WORLD AIRLINES

Agreement, Labor Protective Conditions, Etc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July, 1976.

By Order 75-1-133, January 30, 1975, the Board granted various suspension and exemption requests and approved an agreement between Pan American World Airways and Trans World Airlines under which the carriers would eliminate duplicative services and make other adjustments to their Pacific and Transatlantic route systems. The term of the Board's approval was for two years or until 90 days after final Board decision in the *Transatlantic Route Proceeding*, Docket 25908, whichever first occurs. Thereafter, by Order 75-2-108, February 27, 1975, the Board denied a request by Northwest Airlines for a stay of its decision, and a request by Northwest for a judicial stay was denied by the United States Court of Appeals for the District of Columbia Circuit. Finally, by Order 75-4-4, April 1, 1975, the Board denied petitions for reconsideration of its earlier decision and, in addition, decided to impose the Board's labor protective conditions ordinarily reserved for merger or acquisition cases.[4]

In a decision issued on June 30, 1976, the United States Court of Appeals for the District of Columbia Circuit vacated the Board's approval of the route exchange agreement. *Northwest Airlines et al.* v. *CAB*, Nos. 75-1127/1218/1328 (D.C. Cir., filed June 30, 1976). In so doing the court generally approved the Board's action under sections 401(j), 412, and 416 of the Act and concluded that the Board's action was properly taken and was not subject to Presidential approval. Nonetheless, the court concluded that allowing such emergency relief involving a significant shift in airline routes to remain in effect for an extended period of time without instituting an investigation according opposing parties an opportunity to challenge the changes in a full hearing went beyond the scope of the Board's powers in the circumstances presented. The Court appeared particularly concerned that, notwithstanding seventeen months had passed since the Board's emergency order went into effect, the Board had made no move toward initiating further expedited proceedings.[5]

The court nonetheless recognized that the carriers and the Board have relied on the validity of the order in planning their operations. Furthermore, although not discussed by the court, it is equally true that numerous adjustments with respect to the carriers' employees have been made and that, in accordance with the Board's labor protective conditions, relationships and responsibilities have been established between the carriers and their employees. In appreciation of the general problem, the court stayed its decision for 60 days and invited the Board to use this time to hold expedited hearings looking toward more permanent changes in certificate authority.

INSTITUTION OF INVESTIGATION

We accept the court's invitation. First, however, it is not clear that the joint applicants desire to have the Board examine whether or not there should be changes made in their existing certificate authority, either permanently or on a temporary basis.[6] Therefore, we shall accord the joint applicants ten days in which to file applications for appropriate certificate amendments if they deem the filing of such applications warranted. We note, however, that the court has instructed us that we must act expeditiously and that we are free to use the sixty-day period of the court's stay for holding such expedited proceedings. With this in mind, and in view of the limited time available, we shall also, by this order, establish a procedural timetable for the disposition of any application which may be forthcoming. We fully recognize, in this connection, that the views of the joint applicants are not yet known and that they may not, in fact, wish to go forward under the conditions established by the court's decision. We also appreciate that there will be a considerable degree of uncertainty (since certain of the matters now contained in the agreement overlap matters at issue in the *Transatlantic* proceeding) until such time as the Board's *Transatlantic* decision is acted upon by the President. But, for reasons discussed more fully below, we see no constructive alternative to the prompt institution of an evidentiary hearing as required by the court's decision.

Under our timetable, an evidentiary hearing will be scheduled within sixty days. This period will provide the time required for the preparation of meaningful exhibits and the disposition of other procedural matters. It can be anticipated that the hearing, the submission to and decision of the case by the Board, and the submission of the Board's decision to the President for review in accordance with the requirements of section 801 of the Act will take a further period of time. Clearly no action can become final within the brief sixty-day period allowed by the court. However, an abrupt termination of the route swap before final action in this case would, in our judgment, prove disruptive of the structure of U.S.-flag service worldwide. Similarly, it would be extremely costly to both affected carriers at a time when their financial plight re-

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[1] See Order 75-5-45, which set forth the conditions to be met by Airwest for the suspension of its service at Crescent City, and Order 76-5-159, which authorized Airwest to maintain its suspension of service at Crescent City for an additional 30 days beyond the date that reinstatement of service was specified in Order 75-5-45.

[2] See Airwest's application, page 2.

[3] In an exchange of correspondence, the Counsel to the President indicated to the Board that the President had examined Board Order 75-1-133 and had concluded that "an order of such broad impact upon international air traffic requires his review and approval under Section 801 of the Act. * * *" and the Board was requested to commence expeditious completion of an evidentiary proceeding and to submit for the President's approval an interim order implementing the substantive provisions of Order 75-1-133. The Board responded in a letter of April 1, 1975, by indicating that no further implementing order was required since its action in Order 75-1-133 was in faithful compliance with the requirements and responsibilities established by the Congress in the Federal Aviation Act. Nonetheless, the Board stated that it had no regulatory difficulty with the prompt institution of an appropriate evidentiary proceeding looking toward a more long-range solution of the Pacific issues (the Transatlantic issues were already pending in Docket 25908). The Board observed, in this connection, that the institution of such proceedings would avoid a hiatus which might otherwise occur between the expiration of the temporary authorizations and the completion of a case directed toward more fundamental changes in carrier licenses. However, the Department of Justice instead presented its position to the courts and no further investigation was instituted.

[4] We do not read the court's opinion as imposing, generally, a hearing requirement when the Board acts pursuant to its powers under sections 401(j), 412, or 416 of the Act. See *Air Line Pilots Ass'n.* v. *CAB*, 494 F.2d 1118 (D.C. Cir. 1974), *Air Line Pilots Ass'n.* v. *CAB*, 475 F.2d 900 (D.C. Cir. 1973), and *National Air Carrier Ass'n.* v. *CAB*, 436 F.2d 185 (D.C. Cir. 1970).

[5] Pan American and TWA have agreed to seek an extension of the Board's interim approval for the full five-year period of the agreement but argued in the *Transatlantic Case* against permanent changes in their certificates.

mains a matter of concern. The Board is unprepared to require the carriers—and ultimately the public—to incur these costs in circumstances in which there would be no public benefit flowing from a disruption of the status quo pending the outcome of our expedited proceeding. Furthermore, and this is a matter of some moment, a vacation of the Board's original order, which included the imposition of labor protective conditions, would undoubtedly create serious confusion with respect to the rights of a substantial number of employees who, like the Board and the carriers, have relied on the validity of the Board's order. In like fashion, it would be highly disruptive to require the carriers and their employees to make interim arrangements once the sixty-day period is over but before the Board and the President have finally resolved the matters at issue in this docket. In all these circumstances, we shall instruct our counsel to seek whatever permission may be required from the court, through a further stay of the court's decision or otherwise, so as to permit us to implement our timetable. We intend to commit all necessary Board and staff resources to the prompt completion of this investigation.[4]

In order to facilitate the prompt and proper disposition of this case, we shall set forth in advance certain procedural and decisional considerations. First, we shall not entertain an application which exceeds, with respect to points or markets involved, those points and markets which were the subject of the agreement approved by the Board in Order 75–1–133. The scope of the proceeding will include the duration of any certificate changes and, as in all cases, what restrictions, if any, should be attached to any approval which the Board might grant. The case should include an examination of the impact of the Board's action in Order 75–1–133 approving the agreement on the financial condition of Pan American and TWA and on the traveling and shipping public in the affected markets. More specifically, we wish all parties to focus upon the special decisional criteria which the Board outlined in recently decided route exchange or route transfer cases. See, by way of example, *American-Airwest Route Exchange Agreement* and *American-Frontier Route Exchange Agreement*, Orders 75–8–93/94, August 18, 1975; and *American-Pan American Route Exchange Agreement*, Order 75–6–152, approved by the President June 30, 1975. Consistent with Board practice in numerous recent route exchange cases, we shall not entertain competitive applications. See *American-Frontier Route Exchange Agreement*, Order 73–6–106, June 27, 1973, and Order 75–8–94, August 18, 1975, dissenting opinion of Member Timm, pp. 2–3.[5]

We have also decided to order the expedited issuance of a recommended decision and the prompt submission of the case to the Board for decision. In reaching this decision, we have weighed three procedural alternatives:

1. expedited procedures over which an administrative law judge would preside with preestablished deadlines for action by the judge and the Board;
2. the Board presiding en banc and issuing both a tentative and a final decision; and
3. the Board presiding en banc and issuing a final decision only.

We have chosen the first alternative. An en banc procedure would bring the case before the Board for decision approximately 30 days earlier than the procedure we have adopted. However, the elimination of the judge's participation in the decisional process is a step we are reluctant to take. Providing an opportunity for an experienced judge to evaluate the record, prepare independent recommendations, and permit parties to comment on those recommendations would, in our judgment, best ensure our making a thorough and well considered decision for review by the President.[6] Furthermore, en banc procedures could require full-time participation by the entire Board for up to two weeks and could well prevent the Board from being able to consider and dispose of other important matters in the timely fashion which each such matter may require. Accordingly, it seems far more efficient from a procedural standpoint, in a proceeding of this size and complexity, and from the standpoint of the Board's overall responsibilities, to have an experienced administrative law judge handle the myriad details ordinarily associated with an evidentiary hearing.

We have weighed against these considerations the alternatives that the Board preside en banc and issue both tentative and final decisions or simply a final decision. The advantage of issuing a tentative decision is that the parties will have an opportunity to present views on the tentative decision before it becomes a final decision and the Board will have the opportunity to consider these views. However, these procedures offer no substantial saving in time over the approach which we have adopted and do not appear to have other significant benefits in the circumstances of this case. The alternative of dispensing with the tentative decision may offer only a savings of thirty days. Our conclusion is that in this highly complex, controverted and economically significant case, the savings of thirty days is not material and is outweighed by the benefits of the fuller but expedited procedures we have adopted. We are nonetheless highly sensitive to the court's mandate for expedition, and our counsel will be authorized to represent to the court that we are prepared to undertake either of the en banc procedures outlined above if the court concludes that either course of action is more appropriate overall than the one we have chosen.

Environmental and Fuel Matters

We have determined that this proceeding does not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of the National Environmental Policy Act of 1969 (NEPA). See, for example, *American-Pan American Route Exchange Agreement*, Orders 75–6–152/153/154, approved by the President June 30, 1975, and *Chicago-New Orleans Nonstop Route Proceeding*, Order 75–6–104, June 23, 1975. In the first place, approval of certificate amendments which more or less parallel the changes now in effect as a result of the Board's temporary approvals would result simply in the maintenance of the current environmental and fuel status quo. On the other hand, disapproval of certificate amendment changes will simply permit changes which have already been ordered restored by the Court of Appeals. Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment for these proceedings. We emphasize that our conclusion herein is not intended to foreclose any party from presenting evidence or from making argument with respect to relevant environmental or fuel issues. Nor is our intention to foreclose the consideration of environmental impacts resulting from the possible licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Labor Matters

On April 30, 1976, Pan American World Airways filed a motion for clarification and modification of the labor protective provisions which were imposed by Order 75–4–4. Pan American requests that the Board issue a ruling concerning severance and furlough payments and dismissal and displacement allowances, and that the Board, in addition, declare that pending arbitration proceedings between Pan American and many of its flight

[4] We have included an evidence request as Appendix B to this order and shall dispense with the prehearing conference. We shall order the hearing in this case to commence on or about 60 days from the date of issuance of this order. We shall also relieve the Bureau of Operating Rights of the obligation of participating in this investigation.

[5] We note, in this connection, that only Northwest Airlines challenged the Board's earlier action on so-called Ashbacker grounds. We pointed out, however, that it was clear that Northwest was not principally concerned about any application that it may seek to file with respect to the Pacific points (Northwest already serves Okinawa and Taiwan). Rather, it sought a reversal of the Board's decision to authorize competition at Okinawa and Taiwan (through the award of round-the-world authority to TWA) so as to reduce competition at Okinawa and reestablish Northwest as the monopoly Taiwan combination carrier. See Order 75–2–108, February 27, 1975, pp. 3–4.

[6] In addition, as Professor Davis has observed: "In those agencies where the hearing officer plays, and is known to play, an important part in the disposition of the case, he exercises real authority in keeping the testimony to the relevant and important issues, reducing its volume and sharpening the issues. Where this is not the case, the testimony wanders and the proceeding loses direction. * * *" Davis, *Administrative Law* 198 (1959).

engineers regarding the labor protective provisions be deemed binding on all claims by flight engineers who have been given notice and opportunity to participate in the arbitration. Answers with respect to Pan American's motion have been filed by the International Brotherhood of Teamsters, the Air Line Pilots Association, the International Association of Machinists and Aerospace Workers, and the Flight Engineers' International Association.

The question of the rights and responsibilities of the parties insofar as the Board's standard labor protective conditions are concerned has been rendered more complicated by virtue of the court's vacation of the Board's earlier orders. In addition, as noted above, Pan American has recently filed a motion for clarification and modification of the labor protective conditions in three respects. First, the carrier requests that the Board issue a ruling that severance or furlough payments made by the carrier to its employees under their collective bargaining agreements be counted as an offset to dismissal or severance allowances due under the labor protective provisions. Pan American argues, in support of its request, that fundamental fairness and equity require that a furloughed employee should not collect dismissal pay twice by receiving both furlough pay benefits under the contract and the full benefits under the Board's labor protective provisions. Second, Pan American asks the Board to declare that those dismissal and displacement allowances which are payable on a monthly basis under the labor protective provisions shall cease at the termination of the effective period of the agreement and that severance allowances, which are measured on a monthly basis, be limited to a measure not exceeding the remaining effective period of the agreement. Pan American claims that its liability under the labor protective provisions should cease when the agreement which was the predicate for the provisions likewise ceases. Finally, the carrier urges the Board to require that the arbitration proceeding underway between Pan American and many of its flight engineers under the labor protective provisions be held binding on all claims by flight engineers, and that, in this connection, the Flight Engineers' International Association (FEIA) be designated as the representative of all flight engineers for purposes of selecting arbitrators and arranging arbitration under section 12 of the labor protective conditions. Pan American argues that 337 flight engineers have submitted claims under the labor protective provisions but only 225 engineers have authorized FEIA to represent them and that, as a result, the carrier may be beset by numerous individual claims. Pan American indicates that the arbitration proceeding commences on July 6, 1976.

We have decided to deny Pan American's motion insofar as it requests that all flight engineer claims be submitted for arbitration pursuant to the arrangement worked out between the carrier and FEIA. The Board's labor protective provisions accord the right to arbitrate to each employee but, however desirable it may be to minimize expenses and simplify procedures through a single arbitration proceeding, we are unprepared to now order such action.[7] The other two matters raised in Pan American's motion are opposed by the unions and we believe it is more desirable to defer the resolution of these issues until after the hearing we have instituted herein. In the first place, our decision to institute this case could result in a continuation of the previously approved changes beyond their original time frame. Consequently, Pan American's argument may be rendered moot. Second, the question of the so-called "double payment" may well be resolved through arbitration (Pan American contends simply that arbitration "is not the best forum . . ." in which to settle such questions) and the Board believes that arbitration of this issue would be preferable. We encourage the parties to submit the matter to arbitration. We would expect all parties to advise the Board whether or not any of the matters raised in Pan American's motion have been resolved, or will be resolved, through arbitration.

Accordingly, it is ordered that:

1. A route transfer application of Pan American World Airways and Trans World Airlines, if filed in accordance with the requirements established in this order, shall be set for hearing before the Board;

2. Petitions for reconsideration and any other comments with respect to this order shall be filed within 14 days of the date of adoption of this order;

3. Petitions for intervention shall be filed within 14 days of the date of adoption of this order;

4. This proceeding shall be conducted in accordance with the schedule established in Appendix A; and

5. Pan American's motion for clarification and modification of the labor protective conditions be and it hereby is deferred, except that Pan American's request that the pending arbitration proceedings between the carrier and certain of its flight engineers be deemed binding on all flight engineers be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER, transmitted to the President, and served upon all parties in Docket 27114.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

1. Joint application, 10 days from the service date of this order.

2. Petitions for reconsideration, comments, and requests for intervention, 14 days from the date of adoption of this order.

3. Direct exhibits, 28 days from the service date of this order.

4. Rebuttal exhibits, 21 days from the date of filing direct exhibits.

5. Hearing, on or about 7 days from the date of filing rebuttal exhibits (precise date to be established by the presiding administrative law judge).

6. Briefs to the Administrative Law Judge,[1] 10 days from the completion of the hearing.

7. Recommended decision, on or about 21 days after submission of briefs.

8. Exceptions to recommended decision (if any) and supporting briefs,[1] 10 days from service date of tentative decision.

9. Decision of the Board submitted to the President, on or before 21 days after submission of exceptions and briefs.

REQUEST FOR EVIDENCE

The parties should submit the following information in the form of exhibits. The parties should furnish sufficient detail so that, without further clarification, any final results may be obtained or verified from underlying data. Provide data sources and methodology used in constructing exhibits. Exhibits should be cross-referenced with the item numbers and letters in this request.

I. *Introduction.* The basic objective of these exhibits is to estimate the impact of the Pan American-Trans World agreement on the public, labor, the parties to the agreement, and all other U.S.-flag carriers. This will be accomplished by comparing the difference between two separate forecasts of the operational/financial results for 1976 of all routes affected by the agreement. The first of the two forecasts is based on an assumption, hereafter referred to as assumption (a), which presumes that the Pan American-Trans World agreement is in effect during all of 1976. The second forecast is based on assumption (b), which presumes that the agreement is not in effect during 1976. A comparison of these two separate forecasts will provide the net impact of the agreement.

The forecasts under assumption (a) should use as a forecasting basis the actual operations and traffic for the latest twelve months for which data is available. This of course will reflect the results of the agreement, now 17 months old. The forecast under assumption (b) should rely on 1974 operations and traffic as a basis for forecasting. Any significant event occurring between these base periods for assumptions (a) or (b) and the forecast year should be reflected in the forecast.

II. *Direct Exhibits.* (Pan American and Trans World).

A. Provide proposed 1976 schedules for all city-pair markets affected by the agreement[1] under assumptions (a) and (b) discussed above. Provide past schedule information from the base periods specified above for assumptions (a) and (b) as support for the reasonableness of the proposed schedules. Proposed schedules should include seasonal variations, weekly frequencies, equipment types, and route itineraries.

B. Based on the above schedules, provide, under both assumptions, the following operating data:

(1) Block-hours by equipment type;

(2) Departures by station by equipment type;

(3) Available seat-miles by equipment type;

[7] We note, in this connection, that July 6, 1976 is the starting date of the arbitration. In the past the Board has permitted employees to participate in arbitration proceedings through representation of their own choosing, *American-Trans Caribbean Merger Case*, Orders 71-5-30, May 7, 1971 and 71-6-71, June 11, 1971, and the established timetable appears to make this infeasible.

[1] Exceptions and briefs shall conform to the requirements of Rules 30 and 31 of the Board's Rules of Practice.

[1] Markets affected include all city-pair markets directly involved in the agreement, as well as other markets which, although not in the agreement, are nevertheless impacted by the changing schedules.

(4) Aircraft-miles by equipment type;
(5) Gallons of fuel consumed by equipment type;
(6) Any other operational data necessary to calculate costs under the costing methodology used by applicants.

C. Based on the above schedules, provide, under both assumptions, the following traffic data:
(1) coupon O&D data by city-pair market for passengers, freight, and mail;
(2) revenue passenger-miles and revenue ton-miles by city-pair market;
(3) passengers and tons enplaned by station.

D. Based on the above traffic forecasts, provide, under both assumptions, annual load-factor data by city-pair segment.

E. Based on the above operating data and traffic forecasts, provide, under both assumptions, a profit and loss statement based on the concept that each assumption is an ongoing operation. Include:
(1) yields, revenue, and dilution factors by city-pair market;
(2) direct expenses, indirect expenses, operating profits, nonoperating expenses, and net profits;
(3) an estimate of the investment base involved and the return on investment;
(4) the difference between net profits under assumptions (a) and (b).

F. In addition to the ongoing operation profit and loss estimates above, estimate the one-time costs of returning operations from assumption (a) to assumption (b). This should include:
(1) station opening and closing costs;
(2) costs of hiring, rehiring, training, and furloughing employees;
(3) costs of enlarging or reducing the aircraft fleet;
(4) any other one-time costs.

None of these one-time costs should be reflected in the profit and loss estimates in II. E. above, since that request assumes a long-term ongoing operation.

G. Estimate the one-time costs incurred by the original implementation of the present agreement. This should include:
(1) Station opening and closing costs;
(2) Costs of hiring, rehiring, training, and furloughing employees, including all costs under the labor protective provisions;
(3) Costs of enlarging or reducing the aircraft fleet;
(4) Any other one-time costs.

None of these one-time costs should be reflected in the profit and loss estimates in II.E. above, since that request assumes a long-term ongoing operattion.

H. Based on the traffic forecasts above, estimate traffic and revenue diversion by carrier from other U.S.-flag carriers resulting from operating under assumption (a) rather than assumption (b).

I. Provide a list of all city-pair markets affected by the agreement and the net improvement or decline in U.S.-flag service experienced in these markets since the implementation of the agreement.

J. Provide a summary of changes in aircraft fleet makeup resulting from the agreement.

K. Estimate the impact on U.S. balance of payments resulting from the agreement.

L. Submit an exhibit specifying the number of employees receiving payments under both their collective bargaining agreements and the labor protective provisions. Estimate the dollar amount of double payments.

M. Estimate the cost of continuing the labor protective provision payments beyond the effective period of the original Board approval. Provide detail of number of employees and total payments for each month.

III. *Rebuttal Exhibits.*[2] (Other U.S. Carriers Affected by the Agreement).

Submit an estimate of diversion of passengers, cargo, mail, and net revenues[3] for 1976

[FR Doc.76-20579 Filed 7-15-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

TEXAS

Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 734, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on August 17, 1976, at Exposition Hall, 402 West Shoreline Drive, Corpus Christi, Texas. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning public school desegregation and equal education opportunity; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice particularly concerning public school desegregation and equal educational opportunity; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning public school desegregation and equal educational opportunity.

Dated at Washington, D.C., July 14, 1976.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.76-20641 Filed 7-15-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Tuesday, August 3, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-20508 Filed 7-15-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 7530

Pad, Writing Paper: 7530-00-285-3088 (GSA Region 5 only), 7530-00-285-3083 (GSA Region 8 only), 7530-00-285-3093 (GSA Regions 4, 7 & 8 only)

Comments and views regarding this proposed addition may be filed with the Committee on or before August 16, 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. 76-20553 Filed 7-15-76; 8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 7520

Holder, Desk Memorandum Paper: 7520-00-139-3802, 7520-00-290-6645

[2] The Board staff will provide load-factor data for all segments affected by the agreement as identified by item II. H. for a period before and a period after the agreement.

[3] The cost savings resulting from carrying less traffic should be considered.
for each city-pair market affected by the agreement. Diversion should be that resulting from Pan American and Trans World operating under assumption (a) rather than assumption (b).

CLASS 7530

Tape, Paper, Computing Machine: 7530-00-286-9052, 7530-00-222-3455, 7530-00-286-9053, 7530-00-286-9054, 7530-00-238-8352, 7530-00-222-3456, 7530-00-286-9055, (requirements for GSA Regions 1, 4 (Savannah, Georgia) 7, 8, 9 and 10 only)

Comments and views regarding this proposed addition may be filed with the Committee on or before August 16, 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.76-20554 Filed 7-15-6;8:45 am]

PROCUREMENT LIST 1976

Proposed Addition

Notice of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 FR 54742) published in the Federal Register on June 30, 1976 (41 FR 26950) pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, is amended to read as follows:

CLASS 7510

Binder, Award Certificate: 7510-00-482-2994

Comments and views regarding this proposed addition may be filed with the Committee on or before August 16, 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.76-20555 Filed 7-15-76;8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following services to Procurement List 1976, November 25, 1975 (40 FR 54742).

Food Service Attendant Services, Seneca Army Depot, Romulus, New York.

Tax Form Order Fulfillment Services, IRS, Buffalo District, New York.

STANDARD INDUSTRIAL CLASS 7699

Repair and Maintenance of Manual Typewriters, Federal Court House Building, Syracuse, New York.

Repair & Maintenance of Electric Typewriters, Social Security Administration, 600 West Madison, Chicago, Illinois.

STANDARD INDUSTRIAL CLASS 0782

Grounds Maintenance Services, FAA, Leesburg, Virginia.

STANDARD INDUSTRIAL CLASS 7349

Janitorial-Custodial Services, Federal Building, Manchester, New Hampshire.

Comments and views regarding these proposed additions may be filed with the Committee on or before August 16, 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.76-20556 Filed 7-15-76;8:45 am]

PROCUREMENT LIST 1976

Addition to Procurement List

Notice of Proposed Addition to Procurement List 1976, November 25, 1975 (40 F.R. 54742) of the service listed below was published in the FEDERAL REGISTER on June 2, 1976 (41 FR 22296).

After consideration of all the relevant data presented, the Committee has determined that this service is suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

STANDARD INDUSTRIAL CLASS 0782

Grounds Maintenance,
State Line Park,
West Point Lake,
West Point, Georgia.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-20557 Filed 7-15-76;8:45 am]

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the commodities listed below, was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17009).

After consideration of all of the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

CLASS 8520

Soap, Toilet: 8520-00-228-0598, 8520-00-121-2519

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-20558 Filed 7-15-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

AMENDMENTS TO THE MAINE POTATO FUTURES CONTRACT OF THE NEW YORK MERCANTILE EXCHANGE

Public Hearing

Commencing at 8:30 a.m. on July 26, 1976, in Wieden Auditorium, University of Maine, Presque Isle, Maine, the Commodity Futures Trading Commission will hold a public hearing to receive oral presentations and written submissions concerning proposed amendments to the Maine Potato Futures Contract of the New York Mercantile Exchange ("Exchange"), which will be renamed the Round White Potato Futures Contract. All persons wishing to make an oral presentation are requested by July 21, 1976 to contact Ms. Jane Stuckey, Director, Office of Secretariat, Commodity Futures Trading Commission, 2033 "K" Street, N.W., Washington, D.C. 20581. Oral presentations will be limited to 15 minutes.

On July 2, 1976 the New York Mercantile Exchange submitted revised terms and conditions of its Round White Potato Futures Contract to the Commission for approval pursuant to Section 5a (12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12). The text of these changes was published on July 13, 1976 (41 Fed. Reg. 28824). Previously, the Commission in a letter of May 27, 1976, notified the Exchange of the areas where the staff felt that fundamental changes in the terms and conditions of the contract must be made. The text of that letter is set forth below. While the Commission does not ordinarily request public comment on proposed changes in contract terms and conditions, in light of the recent default in the May Maine Potato futures contract on the Exchange, the Commission believes that the views of interested parties will be of assistance.

Participants in the hearing may be accompanied by persons of his or her own choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission recognizes that members of the public may have questions; therefore, provision will be made for persons having questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such questions. In addition, interested persons will be permitted, for 20 days after the last day of the oral hearing, to submit written comments on all matters presented at the hearings or any other topic, including written rebuttals to oral presentations. A schedule of participants will be issued at the earliest possible date.

Issued in Washington, D.C., on July 14, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

Mr. RICHARD B. LEVINE,
President, New York Mercantile Exchange, 6 Harrison Street, New York, New York 10013.

MAY 27, 1976.

DEAR MR. LEVINE: As you are aware, the Commission is gravely concerned about defaults in the delivery of May Maine potatoes futures contracts on the New York Mercantile Exchange (the "Exchange"). Accordingly, the Commission has authorized an immediate, full scale investigation of all aspects of the events surrounding the default, including but not limited to, the activities of the Exchange and its officials in enforcing Exchange rules, the compliance by member firms of the Exchange with the Commodity Exchange Act, as amended (the "Act"), and the actions and alleged justifications of both the longs and shorts which brought about the situation.

The law requires, and the Commission expects, the Exchange to pursue its own independent investigation of the matter and forthwith to provide the Commission with a report of its findings and he actions to be taken by the Exchange to punish any persons found to have violated Exchange rules.

We wish to advise you that we regard this matter as one of the utmost importance; so much so that we have diverted investigators and economists from other pressing duties at the Commission to participate in this investigation. We expect and require the full cooperation of the Exchange, its officials and member firms. While we would like to be in a position promptly to take enforcement action which would place responsibility on those at fault (as well as take prompt regulatory action which would prevent a situation of this sort from occurring again), an investigation of this magnitude will, of necessity, take time to complete. Nonetheless, we will proceed expeditiously and hope to complete our investigation as soon as possible.

There are, however, two other aspects of the situation which also require your immediate attention—each involves the terms and conditions of the Maine potato futures contract and what must be done to prevent siuations of this sort from occurring again:

1. The Commission believes that the May 1977 Maine potato futures contract (currently on the board for the 1976 crop year) should be traded for liquidation only. The May contract has traditionally presented a problem because of the inability of traders to ascertain deliverable supply at that time of year. The Commission strongly urges that the Exchange take appropriate action to remove the current May contract from trading; such trading ban to continue until such time as the other issues involving the contract terms and conditions (discussed below) can be resolved.[1] If the Exchange does not tak the recommended action by June 2, 1976,[2] the Commission will promptly consider whether trading in *all* potato futures contracts on the Exchange should be halted under the Commission's emergency powers—Section 8a(9) of the Act—or, alternatively, whether the designation of the Exchange for trading in potato futures should be suspended or revoked—Sections 5b and 6(a) of the Act.

2. As you are aware, the Commission staff has for some time been concerned about the general terms and conditions of the Maine potato contract traded on the Exchange, and has discussed fundamental changes in those terms and conditions with Exchange officials continuously since the Commission granted designation to the Exchange as a contract market for potatoes (July 18, 1975). The Commission monitors the terms and conditions of contracts of sale to be executed on or subject to the rules of a designated contract market for purposes of ascertaining whether designation should continue in effect.

Because of the current situation, such fundamental changes must now be implemented. Accordingly, at a minimum, the Commission hereby requests that the Exchange submit proposed changes in the terms and conditions of its potato contract[3] with respect to such matters as:

A. *Deliverable Supply*

The deliverable supply must be expanded. It has been suggested that this can be accomplished by lifting the "Maine grown" provision and by increasing the number of varieties deliverable on the contract.

B. *Delivery Points*

The adequacy of the number of delivery points and their individual and collective ability to handle sufficient deliveries to avoid price distortions must be improved.

C. *Transportation*

The contract terms limiting deliveries to rail cars do not reflect the current shipping pattern in the cash market and should be expanded to allow truck delivery.

D. *Inspection Procedures*

The inspection procedures must be reviewed and improved to asure that they do not act as a restriction on supply or as an impediment to delivery.

E. *Delivery Pack*

The acceptability of the existing delivery pack provision is questionable. There is a very limited movement of potatoes in straight loads and a rapidly declining rate in 50 pound bags.

F. *Delivery Months*

There is a serious question as to whether there is an adequate supply of potatoes generally available to allow the continuation of a May contract.

Concurrent with the submission of the revised contract, a plan outlining how positions in the currently existing contracts will be liquidated or transferred to the new contract must be submitted.

If such changes are not promptly submitted to the Commission, the Commission will then either (i) institute proceedings to suspend or revoke the Exchange's designation for trading in potato futures under Sections 5b and 6(a) of the Act, or (ii) specify to the Exchange, pursuant to Section 8a(7) of the Act, the changes to be effected, on the Exchange's behalf, in the terms and conditions of the contract of sale for potatoes to be executed on or subject to the rules of the Exchange. If alternative (ii) is adopted and such terms and conditions are not thereafter promptly implemented by appropriate submission to the Commission, the Commission will hold a hearing, as required by Section 8a(7) of the Act, to ascertain whether the changes specified by the Commission "are necessary or appropriate for the protection of persons producing, handling, processing or consuming * * * [potatoes] or for the protection of traders or to ensure fair dealing in * * *" potato futures traded on the Exchange.

Furthermore, in light of what has occurred, several other more general rules of the Exchange probably will require modification or change. You should discuss with Thomas A. Russo of our Trading and Markets Division what changes the Exchange deems appropriate. That Division will concurrently begin its own review and discuss with you what changes it deems appropriate.

Members of the staff of the Commission will be in direct contact with you with respect to our investigation. William R. Schief, the Director of the Commission's Division of Enforcement, will be in charge of the investigation. Dr. Mark Powers, the Director of the Commission's Division of Economics and Education, will be in charge of matters relating to contract terms and conditions.

Very truly yours,

COMMODITY FUTURES TRADING COMMISSION,
WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-20728 Filed 7-15-76;8:45 am]

[1] Reference is made to item F on page 4 hereof. That item expresses the staff view that justification for continuation of a May contract in potato futures is necessary.

[2] Submission under Section 5a(12) of the Act of an Exchange plan to trade the May 1977 Maine potato futures contract for liquidation only will constitute the requisite action.

[3] The Commission understands that members of the Exchange staff will meet on these matters with members of the Commission staff today and expects a response to the matters raised by June 2, 1976. Subsequently, submissions pursuant to section 5a(12) of the Act will, of course, be required.

EXCHANGE OFFICIALS

Indemnification

The Commodity Futures Trading Commission ("Commission") announced today that it regards the policy of indemnification against certain liabilities arising under the Commodity Exchange Act, as amended ("Act"), of officers, directors and other officials of exchanges designated as contract markets as contrary to public policy in situations which have regulatory implications. By letter dated July 9, 1976, the Commission advised all contract markets of its views hereinafter set forth.

A number of contract markets recently submitted to the Commission proposed rules which may authorize or require the exchange to reimburse its officers, directors, and other exchange officials for liabilities and expenses incurred defending actions taken in an official capacity, including amounts paid for legal fees, settlements or judgments in civil or criminal proceedings and penalties approved by the Commission for violations of the Act or the regulations thereunder. The Commission is aware that existing bylaws and rules of certain other contract markets contain similar provisions regarding indemnification. Some of these rules have been submitted for Commission approval pursuant to section 5a(12) of the Act; other contract markets have asserted that these rules do not require prior approval by the Commission because, in their view, these rules do not relate to terms and conditions in contracts of sale or other trading requirements. After careful consideration, the Commission has determined not to approve or disapprove these rules pursuant to section 5a(12)

at this time.[1] However, from the review that was conducted, the Commission has observed various aspects of the operation of these rules which it believes necessitate a Commission policy statement at this time.

If the Commission finds, after hearing, that any director, officer, agent, or employee of any contract market (hereinafter "exchange official") is violating or has violated any of the provisions of the Act or any of the rules, regulations or orders of the Commission thereunder, section 6b of the Act authorizes the Commission to assess a civil penalty, against such persons, of up to $100,000 for each violation.[2] It is and will be the Commission's policy to consider carefully all the facts and circumstances surrounding the participation of individual exchange officials in alleged violations of the Act before taking enforcement action against such individual exchange officials and to impose civil penalties on such officials only in cases involving culpable conduct. But if a fine or civil penalty is imposed on an exchange official pursuant to section 6b of the Act, the Commission believes that it would be against public policy, as expressed in the Act, for an exchange designated by the Commission as a contract market to indemnify its officials for the civil penalty, or any fine that might be susbequently imposed for failure to comply with the Commission's order. As interpreted by the Commission, one of the basic purposes of section 6b is to stimulate diligence on the part of persons who are responsible for assuring that contract markets adhere to the standards and requirements of the Act and the Commission's regulations. If exchange officials know that they need not pay a penalty imposed by the Commission, the prophylactic and deterrent effect of section 6b would be undermined. Since the threat of a civil penalty is an important factor in assuring compliance in such cases, indemnification would be contrary to public policy.

The Commission wishes to make clear that, in its view, there is no distinction between direct indemnification, such as that provided pursuant to the terms of a contract market rule, and indirect indemnification, such as that provided by insurance or a separate agreement between an exchange and its officers. In the latter case, the Commission believes that the effect would be the same as indemnification provided by an exchange rule, and would be, to that extent, also inconsistent with the regulatory purposes of the Act and contrary to public policy. The Commission takes no position at this time with respect to indemnification of exchange officials for liabilities arising out of civil proceedings instituted by private parties. The Commission also wishes to note that the views expressed in this release are not limited to exchange officials. For example, the Commission believes that it would be against public policy for a registered futures commission merchant to indemnify its officers, partners, directors or other officials for fines or civil penalties imposed pursuant to provisions of the Act comparable to those pursuant to which exchange officials are penalized.

Dated: July 9, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-20577 Filed 7-15-76;8:45 am]

[1] Section 5a(12) of the Act, 7 U.S.C. § 7a (12) (Supp. IV, 1974), requires that contract markets submits to the Commission for its approval all bylaws, rules, regulations and resolutions of the contract market which relate to "terms and conditions in contracts of sale" or "other trading requirements." The words "terms and conditions in contracts of sale" and "other trading requirements" are not defined in the Act or its legislative history. As a result, the scope of section 5a(12) and the types of contract market rules which must be reviewed and approved by the Commission are unresolved at this time. The Commission has requested comment as to the types of operational and administrative rules which should be exempt from the prior-approval requirements of section 5a (12) of the Act. See 41 Fed. Reg. 9528 (March 4, 1976).

[2] Section 6b provides in relevant part that—

[I]f any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this chapter or any of the rules, regulations, or orders of the Commission thereunder, the Commission may * * * make and enter an order directing that such contract market, director, officer, agent, or employee shall cease and desist from such violation, and assess a civil penalty of not more than $100,000 for each such violation. If such contract market, director, officer, agent, or employee * * * shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100,000 or imprisoned for not less than six months nor more than one year, or both.

7 U.S.C. § 13(a) (Supp. IV, 1974).

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED JULY 5–9, 1976

Availability

Environmental impact statements received by the Council on Environmental Quality from July 5, 1976 through July 9, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (August 30, 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.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Draft

Agricultural Conservation Program, July 8: The statement concerns the enactment of S. 3299, a bill to amend the Soil Conservation and Domestic Allotment Act. The purpose of the amended legislation is to direct the Agricultural Conservation Program toward an emphasis on enduring conservation and environmental enhancement practices which otherwise might not be undertaken by farmers and ranchers without cost-share assistance from the Federal government. Adverse impacts may occur during construction phases and herbicide use. (ELR Order No. 60999.)

FOREST SERVICE

Final

Long Island Unit Plan, Tongass, National Forest, Alaska, July 8: The statement concerns the land use plan for the Long Island Unit, Tongass National Forest. The plan provides recreation areas, intensification of timber management, soil and water resource management, promotion of wildlife values, and the maintenance of fish habitat. Adverse impacts include the changing of wildlife habitat, and the addition of roads to the area. Comments made by: DOI, EPA, HUD, DOC, USCG, and State agencies, private citizens, and companies. (ELR order No. 61008.)

Palomar Planning Unit, Cleveland National Forest, San Diego, and Riverside Counties, Calif., July 8: The statement concerns the 58,171 acre Palomar Mountain Unit of the Cleveland National Forest. Within the Unit there are 15,934 acres of classified Wilderness, 20,000 acres of unroaded and undeveloped lands, 50,000 acres of land closed to public access and use from July to December due to extreme fire potential, and 4,500 acres of potentially unique vegetation. Implementation of the plan will provide more opportunities for public use but create more conflict between people and wildlife in dispersed areas now free from people use. Increased risk of fire by the addition of more people is expected. Comments made by: AHP, USA, HEW, DOI, FPC, EPA, State and local agencies, associations and individuals. (ELR Order No. 61004.)

SOIL CONSERVATION SERVICE

Final

Espanola-Rio Chama Watershed, Rio Arriba, and Sandoval counties N. Mex., July 8: Proposed is a project for watershed protection and flood prevention in Rio Arriba and Sandoval Counties, New Mexico. The proposed plan calls for the application of accelerated land treatment measures on 1,110 acres of irrigated cropland and 23,000 acres of rangeland. The plan also includes the construction of ten floodwater retarding structures with associated appurtenances. All structures will be designated for a 100-year life span and will be protected by reinforced concrete emergency spillways, except Site No. 5 which will have an earth spillway. Temporary loss of vegetation and lag gravel cover on about 911 acres will occur. (ELR Order No. 61009.)

Norwalk River Watershed, Fairfield County Conn., July 8: The Norwalk River Watershed Project was designed for watershed protection, flood prevention and wetland wildlife habitat improvement. Four impoundment structures and a total of 2.1 miles of flood

prevention channel work remained to be constructed. The structural measures will disturb or alter wildlife habitat in the area. The project will also require the displacement of 28 persons. Comments made by: COE, HEW, DOI, DOT, EPA, State and regional agencies. (ELR Order No. 61007.)

Twentyfive Mile Stream Watershed Project several counties Maine, July 9: The statement refers to watershed protection and flood prevention in Waldo, Kennebec, Penobscot and Somerset Counties, Maine. The project provides for accelerating the installation of land treatment measures, the construction of structural measures, and channel enlargement and realignment. The project will reduce flood frequency and lower ground water table on about 800 acres of wetland. Comments made by: AHP, PFC, USDA, USA, HEW, DOI, DOT, EPA, State and regional agencies. (ELR Order No. 61010.)

Pine River Watershed, Richland, and Vernon Counties Wis., July 6: Proposed is a project of watershed protection, flood prevention, recreational development, and fish and wildlife improvement in Richland and Vernon Counties, Wisconsin. The planned works of improvement include conservation land treatment, supplemented by seven floodwater retarding structures, two multiple-purpose structures for flood prevention and recreation, 4.5 miles of trout stream improvement, and dikes and an outlet system along the Pine River in the city of Richland Center. About 5.8 miles of stream will be inundated by the conservation pools and wet sediment pools. Comments made by: DOC, HEW, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 60993.)

Department of Defense

Army Corps

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314. (202) 693–6795.

Draft

Detroit Shoreline Flood Protection Study, Wayne County, Mich., July 6: Proposed is federal participation in a flood protection project for portions of the Wayne County shoreline. Adverse effects anticipated are generally short-term, occurring during construction. These include removal of vegetation, erosion and sedimentation, air and noise pollution, suspension of toxic sediments and destruction of bethnic fauna. (Detroit District). (ELR Order No. 60990.)

Black River Flood Control Project, Harnett County, N.C., July 8: Proposed is the construction of a 5.1 mile long, 35 foot bottom width channel to reduce flooding along the Black River near Dunn. Adverse effects include the loss of about 90 acres of bottomland through clearing and a possible reduction in the natural productivity of additional hardwood bottomlands, loss of natural resources in 5.8 miles of black water stream habitat, and degradation of Rhodes Pond. (Wilmington District). (ELR Order No. 61005.)

Quinby Creek Maintenance Dredging, Accomack County, Va., July 6: The statement concerns the continued maintenance of the 6,900 foot channel and 200 x 400 foot turning basin by hydraulic pipeline dredge. Several alternatives for the disposal of the 80,000 cubic yards of dredged material are included. Depending upon the disposal method, the impacts can range from extensive loss of tidal flats biota to the establishment of a productive oyster community. Wetlands may be lost for new disposal areas. (Norfolk District). (ELR Order No. 60987.)

Final

Port San Luis Navigation Project, San Luis Obispo County, Calif., July 8: Proposed is the Port San Luis Navigation Project, San Luis Obispo County, California. The recommended plan would include: construction of a detached rubblemound breakwater; removal of rock pinnacles in the channel and anchorage areas; and provision of anchorage areas totaling about 50 acres. Adverse effects include destruction of about 15 acres of benthic habitat and temporary turbidity effects upon marine organisms from dredging and breakwater construction. Some alteration of the esthetic appearance of the shoreline and harbor area will take place. (Los Angeles District). Comments made by: AHP, DOC, HEW, DOI, USN, DOT, EPA, and State agencies and others. (ELR Order No. 60998.)

Kentucky R. Basin Flood Control, Nicholasville, Jessamine County, Ky., July 9: The proposed project consists of snagging and clearing 0.5 mile and removing sediment and debris from a channel of Town Fork in Nicholasville, Kentucky. Construction of a trash collector and bypass is also part of the proposal. Adverse impacts include the alteration of aquatic habitat; limited stream siltation; and temporary air and noise pollution during construction. (ELR Order No. 61012.)

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

Schiller Generating Station, Coal Conversion, Rockingham County, N.H., July 6: Proposed is the issuance of a Notice of Effectiveness to prohibit the burning of oil or gas as the primary source of fuel under the Energy Supply and Environmental Coordination Act, Section 2. Potential adverse effects include increased air pollution with possible violations of federal and state 24-hour secondary standards, increased ask generation with associated site use and pile runoff releases, increased water pollution, and disturbance of aquatic and life resources. (ELR Order No. 60988.)

Federal Power Commission

Contact: Dr. Jack M. Heinemann, Acting Asst. Director, for Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, 202–275–4791.

Final

California Aqueduct Project, several counties Calif., July 6: The statement discusses the application of the State of California Dept. of Water Resources and the city of Los Angeles Dept. of Water and Power for a major license for construction, operation of the California Aqueduct Project to be located in the Counties of Los Angeles, Kern, San Bernardino, and San Luis Obispo. The project would include the Devil Canyon Power Drop, the Castaic Power Drop, the Cottonwood Power Drop, and the San Luis Obispo Power Drop. Adverse impacts include the inundation of land, possible changes in water quality, and possible land use changes due to urbanization.

Comments made by: AHP, AEC, USDA, COE, HEW, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 60992.)

Department of Housing and Urban Development

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, 202–755–6308.

Draft

Trans Union Development, Diamond Path Addition, Dakota County, Mich., July 6: Developers of this 1,200 housing unit development propose that HUD provide mortgage insurance for 64 single-family homes in the first stage. The development covers 322 acres of cultivated agricultural land. Adverse effects include removal of farmland from production, increased noise and air pollution, increased traffic, increased demand for public services and facilities, and lack of low and moderate income housing. (ELR Order No. 60994.)

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 Reclamation

Final

Four Corners Powerplant and Navajo Mine, Modificat, San Juan County, N. Mex., July 6: The Four Corners Powerplant proposes to modify the air pollution equipment on all units in order to bring the plant into compliance with existing state and federal standards. A 200-acre limestone quarry and kiln would be opened 130 miles northwest of the plant. Utah International Inc. (Navajo Mine) is requesting an additional amendment to their present lease. Amendment Four to the Navajo Mine would disturb approximately 3,000 acres of land over its 30-year life. If mine reclamation is not successful, this could be a permanent displacement. Comments made by: USDA, USA, DOC, HEW, HUD, DOI, EPA, ERDA, and State and local agencies. (ELR Order No. 60989.)

National Park Service

Final

Master Plan, Olympic National Park, several counties Washington, July 6: The statement refers to a proposed new conceptual master plan, which will establish developmental patterns and management goals. The plan calls for improved visitor information-orientation programs; improved backcountry experience and reduced ecological degradation, and improved access and reduced traffic congestion. Adverse effects will include the acquisition of private lands and phasing out of low-cost cabins at Sol Duc Hot Springs. Comments made by: AHP, USDA, DOC, HUD, DOI, USCG, FPC. (ELR Order No. 60985.)

St. Croix National Scenic Riverway, Minnesota, and Wisconsin, July 6: Proposed is the provision of a master plan for the use, preservation, development, and interpretation of the St. Croix National Scenic Riverway and adjacent State lands. Plan implementation would require 77.35 acres of clean-cleared space, 17.35 of which would be removed from available wildlife habitat. Wildlife use of the remaining 60 acres will be reduced. Comments made by: USDA, COE, DOI, DOT, AHP, EPA, FPC, and State and local agencies. (ELR Order No. 60986.)

National Science Foundation

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director of Astronomical, Atmospheric, Earth and Ocean Sciences, Room 703, Washington, D.C. 20550, 202–632–4180.

Final

Ross Ice Shelf Project, July 6: This statement discusses the Ross Ice Shelf Project which is being conducted by the University of Nebraska on the Ross Ice Shelf in the Antarctic as a multiple year field operation. The main effort will involve drilling through the Shelf to allow access to the water column and the sea floor below. The field effort of the first two years has employed explosion seismology and other surface geophysical and glaciological techniques to define details of a designated portion of the Ice Shelf. No impacts of great magnitude are anticipated.

Comments made by: DOT, DOI, STAT, EPA, AEC. (ELR Order No. 60991.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Indian Point Unit 2, Once-Through Cooling, Westchester County, N.Y., July 9: Proposed is the issuance of an amendment to the Facility Operating License held by Consolidated Edison. The amendment would permit the company to continue its once-through cooling system for an additional two years. The extension would permit the completion of on-going research studies and the gathering of additional data. The primary adverse effect is the loss of fish life by impingement and entrainment at the plant. (ELR Order No. 61013.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Final

Rush County Airport, Kans., July 7: The statement concerns the construction of an airport in Rush County near LaCross, Kansas. Included in the proposal is the construction of a 3200′ x 60′ Runway 16/34 with exit taxiway and ramp and associated taxiways, aprons, etc. Since the airport would be used primarily for small aircraft (private and business) adverse effects due to noise and air pollution are expected to be minimal. (ELR Order No. 60996.)

Draft

Vernal Airport, Uintah County, Utah, July 8: Proposed is the approval of a development project at Vernal Airport to construct new and resurface old runways and taxiways, to acquire easements, and to install visual approach slope indicators. Public controversy surrounds the project. Adverse effects include short-term pollution during construction operations, increased noise levels at 9 public gathering places, and increased use of electrical energy. (ELR Order No. 61000.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Fort Wayne Southeast Bypass, Interstate 69 to U.S. 27, Allen County, Ind., July 6: Proposed is the construction of a four-lane divided highway in the US 24 corridor to bypass Fort Wayne. The 8 to 13 mile segment connects I–69 and US 27. Adverse effects include increased noise level, deceased air quality, displacement of families and businesses, the acquisition of agricultural and farm lands, disturbance of wildlife species, and changed traffic patterns. (Region 5). (ELR Order No. 60983).

Draft

Fort Wayne Southeast Bypass, U.S. 27 to U.S. 30, Allen County, Ind., July 6: Proposed is the construction of a four-lane divided highway in the US 24 corridor to bypass Fort Wayne. This 6 to 10 mile segment connects US 27 and US 30. Adverse effects include displacement of 13 families, and 5 businesses, increased noise and air pollution, and acquisition of land. (Region 5) (ELR Order No. 60984)

U.S. 95 and Interstate 515 Spur, East Leg, Clark County, Nev., July 8: Proposed is the construction of a 20-mile segment of U.S. 95 from Las Vegas to an unincorporated area of Clark County. The leg has been declared a Federal Aid Priority Primary Route. Part of the segment has been approved as a spur of I–15 (I–515 Spur). Adverse effects include the acquisition of 600 acres resulting in the loss of natural vegetation, wildlife habitat and an expanse of open desert terrain in the Las Vegas Valley, the relocation of many families and businesses, loss of low-income housing, increased air and noise pollution, potential runoff and downstream erosion problems, and an undetermined impact on one archaeological site. (ELR Order No. 60100.)

Interstate 95 Relocation, Petersburg to Interstate 64 Interchange, Prince George, Chesterfield, and Henrico Counties, Va., July 9: Proposed is a new location for I–95 from South of Petersburg, Virginia, to a new interchange between I–95 and I–64 in Henrico County, east of Richmond. The highway will vary from four to six lanes, depending on traffic volumes. It will be divided along its entire 31.88 to 44.47 mile length. Adverse effects include the displacement of from 280 to 630 persons, negative impacts on existing businesses, loss of wildlife habitat including crossing of a minimum of 6 to 10 acres of wetlands, some decline in water quality, and possible exceeding of FHWA design noise levels. (Region 3). (ELR Order No. 61011.)

Final

27th Street Improvement, Lincoln, Nebr., Lancaster County, Nebr., July 8: The proposed project consists of reconstructing a 0.9 mile segment of 27th Street to a four-lane urban type facility. The project also includes traffic signal renovation and street lighting improvements. Section 4(f) land from Antelope Park and "Sunken Gardens" may be encroached upon. Three homes will require relocation; 69 on-street parking spaces and 10 off-street parking spaces will be displaced. Comments made by: DOT, SBA, COE, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 61006.)

Interstate–80, Pershing County, Nev., July 8: The proposed action is the design and construction of a 14.8 mile section of Interstate Route 80 which lies between a point 5.5 miles southwest of Lovelock to a point 8 miles northeast of Lovelock. This section removes thru-traffic from existing U.S. 40 and the downtown Lovelock area. The roadway will require 558 acres of privately held land for right-of-way and will displace one business and from 60 to 70 people. Comments made by: USDA, DOI, DOT, EPA, and State and local agencies, and other agencies and organizations. (ELR Order No. 61003.)

U.S. COAST GUARD

Draft

Coast Guard Family Housing, Eureka, Humboldt County, Calif., July 7: Proposed is the acquisition of 6 acres for construction of 62 units of family housing for Coast Guard personnel. Adverse effects include increased use of sewage treatment facilities, permanent displacement of wildlife and removal of vegetation, potential increased erosion and sedimentation, and negative aesthetic impacts. (ELR Order No. 60997.)

Interstate–495 and Relocated State Route 140, Taunton, Massachusetts. The proposed improvement is an extension of Massachusetts S.R. 25 westward from an interchange with S.R. 24 in Bridgewater to Route I–95 in the Foxborough/Mansfield area. The 6-lane highway, designated I–495, runs for 14.3 miles and includes 6 interchanges. Also proposed is the relocation of Route 140 from its interchange with Route I–95 in Foxborough to an interchange with proposed Route 25, south of Mansfield's town center. Alternative B would displace about 60 residential structures and three businesses and would commit 48 acres of productive farmland to highway use. (Region 1). (Comments made by: DOI, HEW, HUD, USDA, EPA, GSA, TREA, USCG, and State agencies.) (ELR Order No. 61001.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–20573 Filed 7–15–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LIVERMORE LABORATORIES

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act, the Energy Research and Development Administration (ERDA) has commenced the preparation of a draft environmental statement on its operations at Lawrence Livermore Laboratory and Sandia Laboratories at Livermore, Alameda County, California. The Livermore laboratories have been in operation for over 20 years. Nuclear weapons design, research and development activities are conducted at both laboratories. Research and development is also conducted in the general energy area. Environmental assessments were prepared on the operations at the two laboratories and will be used as background documentation in the preparation of the draft statement.

The current cumulative impact on the environment of the operation of the various facilities will be assessed as well as the anticipated future impact of continuing the operations at the site. When completed, the draft statement will be circulated for review to Federal, State, and local agencies and interested public organizations and individuals. The comments received on the draft statement will be considered in the preparation of the final statement which will provide environmental input into ERDA decisions affecting the future operations at the Livermore site.

Copies of documents to be utilized in the preparation of this draft environmental statement will be available for inspection at the Lawrence Livermore Laboratory, and the assessments and a bibliography of the documents will be available at the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirkland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

All interested agencies, organizations, or persons desiring to submit comments or suggestions for consideration in connection wiht the preparation of the draft

environmental statement should submit them to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, U.S. Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 353-4241, on or before August 30, 1976. Those desiring a copy of the draft environmental statement when it is issued should notify Mr. Pennington.

Dated at Germantown, Maryland, this 13th day of July 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-20531 Filed 7-15-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 584-7]

ARKANSAS

Required Revision to Implementation Plan for Attainment and Maintenance of 24-Hour Particulate Standard

In this notice, the EPA Regional Administrator for Region VI finds that the implementation plan for the following Air Quality Control Regions in the State of Arkansas is inadequate for the attainment of the 24-hour national ambient air quality standard for particulate matter, and that the implementation plan for the Little Rock Air Quality Maintenance Area is inadequate for the attainment and maintenance of the 24-hour national ambient air quality standard for particulate matter.

TABLE I

AQCR 016—Central Arkansas (containing Little Rock AQMA)
AQCR 017—Metropolitan Fort Smith Interstate—Arkansas portion
AQCR 018—Metropolitan Memphis Interstate—Arkansas portion
AQCR 019—Monroe-El Dorado Interstate—Arkansas portion
AQCR 020—Northeast Arkansas

He is therefore requesting that the State submit a revision to the plan to correct those deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

DETAILED DISCUSSION OF ACTION

On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for particulates in the State of Arkansas. The implementation plan was originally designed to attain these national standards by July 1975. Furthermore, on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action, on September 9, 1975, EPA identified the Little Rock area as an air quality maintenance area—an area that has the potential for failing to maintain a national air quality standard (40 FR 41942, published as 40 CFR 52.181).

The Regional Administrator of EPA's Region VI finds that the presently approved control strategy portion of the implementation plan for particulate matter for the AQCRs indicated in Table 1 is inadequate to attain the 24-hour national ambient air quality standard for particulate matter, and for the Little Rock AQMA, is also inadequate for maintenance of the standard.

This finding is based upon recent air quality data. These data indicate substantial and frequent violations of the 24-hour national air quality standards. Furthermore, because many sources are already in compliance with the provisions of the existing plan, there is little reason to believe that these concentrations will decrease in the future. This problem may be compounded by fugitive dust emissions and by expected growth in the Little Rock AQMA, which will lead to increased emissions and increased air pollutant concentrations. These factors indicate that the plan is inadequate to attain and maintain the 24-hour national ambient air quality standards. A detailed analysis is being conducted to determine more precisely the extent of the problem. This analysis will be made publicly available. Rather than wait for the completion of the analysis however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies in the State may begin at once the process of developing their plan revision.

Therefore, the Regional Administrator finds that a revision to parts of the control strategy for particulate matter in the applicable plan is needed and hereby requests the State to submit a revision as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing:

a. All achievable emission limitations that are needed to provide for the attainment of the national 24-hour standards for particulate matter, and

b. A demonstration of the effect on air quality concentrations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national standards, the State shall prepare and submit by July 1, 1978:

a. Such measures for attainment of the primary 24-hour standard for particulate matter, and

b. A demonstration that the control strategy will attain the primary 24-hour standard for particulate matter.

Because the date for attainment of the standard is unknown at this time, the Regional Administrator does not intend at this time to establish either a date for submission of a control strategy that will provide for the maintenance of that standard in the Little Rock AQMA, or the period over which the plan would have to ensure maintenance. The plan revision must, however, discuss the types of additional measures that may be needed in the future for maintenance and demonstrate that immediate adoption of such measures is not practicable.

For the same reason, he will not establish a date for submission of the plan to attain the secondary standard. The Regional Administrator will reevaluate the matter and subsequently decide what the submission dates shall be.

The State shall prepare the revisions in accordance with the requirements of 400 CFR Part 51, Subparts A and B.

The State shall indicate in its revised plan where attainment of the standard is demonstrated the date by which the 24-hour standard for particulate matter will be attained. The Regional Administrator advises the State that the plan revisions must provide for the attainment of the primary standard as expeditiously as practicable, generally not more than 3 years after the date of expected approval of the revision, and for the attainment of the secondary standard within a reasonable time after the date of expected approval of the revision.

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator, EPA, Region VI, which identifies the various action steps, along with target dates for completion, which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All of the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for particulate matter in the State of Arkansas is inadequate and needs to be revised. Authority for such action is provided in section 110 (a) (2) (H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a) (2) (H), Clean Air Act, as amended, (42 U.S.C. 1857c-5(a) (2) (H)); sec. 110(c), Clean Air Act, as amended, (42 U.S.C. 1857c-5(c)))

Dated: July 1, 1976.

JOHN C. WHITE,
Regional Administrator, Environmental Protection Agency.

[FR Doc.76-20589 Filed 7-15-76;8:45 am]

[FRL 585-2; PP6G1755/T71]

ESTABLISHMENT OF A TEMPORARY TOLERANCE

Cyano(3-phenoxyphenyl)methyl 4-chloro-α-(1-methylethyl) benzeneacetate

Shell Chemical Co., 1025 Connecticut Ave. NW, Washington DC 20036, has submitted a pesticide petition (PP 6G1755) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the insecticide cyano(3-phenoxyphenyl) methyl 4-chloro-α-(1-methylethy) benzeneacetate in or on cottonseed at 0.2 part per million (ppm) and in the fat of milk at 0.02 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that these tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that these tolerances will protect the public health. It has been concluded, therefore, that the temporary tolerances should be established on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 9, 1977. Residues not in excess of 0.2 ppm remaining in or on cottonseed and 0.02 ppm in the fat of milk after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific evidence or experience with this pesticide indicates such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-20592 Filed 7-15-76;8:45 am]

[FRL 583-8]

IOWA

Required Revisions Implementation Plan

In this notice, the Environmental Protection Agency (EPA) Regional Administrator for Region VII finds the Iowa State Implementation Plan (SIP) substantially inadequate to attain and maintain ambient air quality standards for total suspended particulates (TSP) in several areas of the State. These areas are: the Davenport Air Quality Maintenance Area (AQMA); the Omaha-Council Bluffs Interstate AQMA; the Cedar Rapids AQMA; and the Waterloo AQMA. The Regional Administrator also finds the SIP inadequate to attain and maintain the standards for TSP and carbon monoxide (CO) in the Des Moines AQMA. He is therefore requesting that the State submit revisions to the SIP within the next year to correct these deficiencies. He has formally notified the Governor of this matter in a letter dated July 1, 1976.

On May 31, 1972 (37 FR 10865), under section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for TSP and CO in Iowa. The implementation plan was originally designed to attain these national standards by May 31, 1975. However, on March 8, 1973 (38 FR 6279), acting under court order, EPA disapproved all implementation plans with respect to maintenance of the national standards. Following this action, on June 2, 1975 (40 FR 23753, EPA identified the five areas mentioned above as AQMAs. The Dubuque area was also identified as an AQMA, but the Regional Administrator is not requesting SIP revisions for Dubuque at this time.

The Regional Administrator finds that the presently approved control strategy portion of the SIP is substantially inadequate to attain and/or maintain the ambient air quality standards for these pollutants in these AQMAs:

	AQMA	Pollutant	Plan revision
069A	Davenport	Particulates	Attainment/maintenance.
085A-I	Council Bluffs	do	Do.
088A	Cedar Rapids	do	Do.
088B	Waterloo	do	Do.
002A	Des Moines	Particulates, carbon monoxide	Do.

These findings are based on recent air quality data submitted by the State in fulfillment of the requirements of 40 CFR 51.7 and on a preliminary analysis of the above cities, prepared by the State. This material is available for inspection and copying at the Regional Office, 1735 Baltimore, Kansas City, Missouri.

Air quality monitoring data indicate that the primary ambient air quality standard for total suspended particulates was violated in 1975 at three of six monitoring sites in Des Moines, and at four of six sites in Cedar Rapids. Violations were also recorded at two of four sites in Davenport, both sites in Council Bluffs and one of two sites in Waterloo. No violations were recorded at the single monitoring location in Dubuque.

The preliminary analysis submitted by the State agrees that additional control strategies are needed in the five cities where air quality standards were violated. Items being considered include additional stationary source limits, tighter open-burning laws and fugitive dust control.

The preliminary analysis also shows that additional limits are not needed in the Dubuque AQMA. If detailed analyses and air monitoring data continue to support this position, EPA will remove Dubuque from the list of designated AQMAs.

The State submission did not discuss the carbon monoxide violations in the Des Moines AQMA. Monitoring data for one site in Des Moines show no violations of the one-hour standard in 1975, but suggests that there may be violations of the eight-hour primary standard. Because there have been violations in the past, the State must analyze the carbon monoxide situation in Des Moines to determine if the Federal Motor Vehicle Control Program will result in the attainment and maintenance of CO standards in Des Moines. Should the analyses show the NAAQS will not be attained or maintained then the State will be required to submit the appropriate plan revisions.

Because of these identified inadequacies, the Regional Administrator finds that revisions to parts of the control strategy in the applicable plan are needed and hereby requests the State to submit revisions as follows:

For the Davenport, Omaha-Council Bluffs, Cedar Rapids, Waterloo and Des Moines areas, the State shall prepare and submit by July 1, 1977, plan revisions containing all achievable emission limitations needed to provide for attainment and maintenance of the national primary standard for suspended particulates and a demonstration of the effect of such measures on air quality concentrations. The plan shall demonstrate that the control strategy will maintain this standard for at least 10 years after attainment.

If additional control measures such as land use and transportation measures are needed for attainment and maintenance of standards, the State shall prepare and submit by July 1, 1978, such additional measures and a demonstration that the control strategy will attain the primary standard.

The Regional Administrator will not, at this time, establish a date for submission of the plan to attain or maintain the secondary standards. The Regional Administrator will re-evaluate the matter and may subsequently decide what the submission date shall be for the combined attainment and maintenance plan for the secondary standards.

The State shall prepare the revision in accordance with the requirements of 40 CFR Part 51, Subparts A, B, and D.

The State shall indicate in its revised plan the date by which the national standards will be attained. The plan revisions must provide for the attainment of the primary standard as expeditiously as practicable, and for the attainment of the secondary standard within a reasonable time thereafter.

The Governor shall submit, within 60 days, a letter of intent to the Regional Administrator, which identifies the various steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All of the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy is substantially inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended (72 U.S.C. 1857c-5(a)(2)(H)); sec. 110(c), Clean Air Act, as amended (42 U.S.C. 1857c-5(c)).)

Dated: July 2, 1976.

JEROME H. SVORE,
Regional Administrator.

[FR Doc.76-20582 Filed 7-15-76;8:45 am]

[FRL 584-1]

KANSAS

Required Revision to Implementation Plan for the Metropolitan Kansas City Interstate Air Quality Control Region

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved with specific exceptions, the control strategies developed by the State of Kansas for the attainment and maintenance of the national ambient primary and secondary particulate matter standards in the Kansas portion of the Metropolitan Kansas City Interstate Air Quality Control Region (AQCR). The implementation plan was originally designed to achieve the national particulate standards in the Kansas City metropolitan area by July 1975.

Upon further plan review, the Administrator, in response to court action, determined that no State Implementation Plan (SIP) contained all the measures necessary to ensure maintenance of the standards after the statutory attainment date and, accordingly, on March 8, 1973 (38 FR 6279), the Administrator disapproved all implementation plans with respect to maintenance of the national standards. Following this action, on September 9, 1975 (40 FR 41942), the Administrator identified, pursuant to 40 CFR 51.12 (e) and (f), geographic areas having the potential for violation of the National Ambient Air Quality Standards (NAAQS) by 1985 and designated these areas as Air Quality Maintenance Areas (AQMA). Included in this designation was the Kansas City Interstate AQMA, which encompasses Johnson and Wyandotte Counties in Kansas plus four counties in Missouri.

Section 110(a)(2)(H) of the Clean Air Act, as amended, requires that the SIP "* * * provide for revision, after public hearings, of such plan * * * whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve the national ambient air quality primary or secondary standard which it implements." On the basis of recent air quality data submitted by the States of Kansas and Missouri, in fulfillment of a quarterly report requirement (40 CFR 51.7), the Regional Administrator has further identified the Metropolitan Kansas City Interstate AQCR as a nonattainment area. Non-attainment areas comprise those areas within which an ambient air quality standard was not achieved by the specified July 1975 attainment date.

The Regional Administrator of Region VII finds that the presently approved strategies which were established for the control of particulate matter within the Kansas portion of the Metropolitan Kansas City AQCR are substantially inadequate to permit attainment and maintenance of the primary NAAQS for particulates and is therefore requesting that the State of Kansas submit revisions to the SIP, as necessary, to correct such deficiencies.

Available air quality data indicate that three of the six intrastate AQCRs in the State of Kansas are presently not meeting the total suspended particulate (TSP) primary standard. The State of Kansas in its review of raw 1975 ambient air quality data identified the following sampling sites in Kansas where the measured ambient particulate matter concentrations exceeded the national annual geometric mean primary standard of 75 micrograms per cubic meter of air sampled ($\mu g/m^3$): (1) The Atchison, and one Topeka sampling station in the Northeast Kansas AQCR; (2) the Concordia sampling site in the North-Central Kansas AQCR; (3) the Goodland site in the Northwest Kansas AQCR; and (4) one Kansas City location and the Tonganoxie sampling station in the Metropolitan Kansas City Interstate AQCR. Most point-source facilities in the State of Kansas are already in compliance with the existing SIP pollution control regulations; hence, it is believed that fugitive dust sources (e.g., unpaved roadways, cleared areas, construction-related activity, railroad yards, and agricultural activity) are the primary contributors to the elevated particulate matter concentrations in the intrastate regions of the State of Kansas. A preliminary study also indicates that the resuspension of dust from paved urban streets may contribute significantly to the existing urbanwide violation of the annual particulate matter standard in the metropolitan Kansas City area. Since development of preventive measures designed to reduce the amount of dust resuspended into the urban environment may be more readily feasible than the implementation of a control program designed to eliminate the statewide fugitive dust problem, this call for revision will apply only to the Kansas City metropolitan area.

A study performed by PEDCo Environmental Specialists, Incorporated, under contract to EPA, suggests that area-source emissions may have a significant impact on the total ambient particulate concentrations existing within the urbanized areas of metropolitan Kansas City. The PEDCo modeling analysis also shows that much of the projected area-source emissions are contributed by the vehicle-induced resuspension of dust particles from paved street surfaces. The above mentioned technical report, entitled "Analysis of Probable Particulate Non-Attainment in the Kansas City AQCR" (February 1976), is available for public inspection at the Regional Office of EPA, 1735 Baltimore, Kansas City, Missouri. Copies of this technical report were also made available to the appropriate state and local air pollution control agencies within the States of Missouri and Kansas.

It is believed that the attainment of the primary particulate standard can only be accomplished by substantially reducing the resuspension of dust from city streets. While the need for reducing the resuspension potential is readily apparent, available control techniques which may play a role in reducing the resuspension problem are currently not well defined. In this regard, the Regional Office is contracting for a study to assess the relative costs, control efficiencies, and practicalities, associated with possible resuspension control program alternatives. This study should be available for evaluation by February 1977 and should serve as a basis for strategy selection. It is anticipated that control strategies developed to attain the TSP standard may also effectively serve as maintenance control mechanisms to help prevent ambient air quality concentrations from exceeding the national ambient particulate standards once the standards have been attained.

The Governor of Missouri has been notified of the existing nonattainment problem in the Kansas City interstate area and of the future need for intergovernmental cooperation in the development of possible particulate emission control measures to be applied

within both the Kansas and Missouri portions of the Kansas City AQMA.

In consideration of the above mentioned control strategy inadequacy, the Regional Administrator of Region VII finds that a revision is needed to parts of the implementation plan developed for the attainment and maintenance of the national ambient particulate matter standard in the Metropolitan Kansas City Interstate AQCR and hereby requests that the State of Kansas submit a plan revision as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing: (a) All achievable emission limitations that are needed to provide for the attainment of the national annual primary standard for particulate matter; and (b) a demonstration that the control strategies will maintain such standard for at least 10 years after the projected attainment date.

2. If additional control measures such as land use and transportation related measures are needed for the attainment and maintenance of the national primary standard, the State shall prepare and submit the measures by July 1, 1978, along with the demonstration of maintenance.

The Regional Administrator will not, at this time, establish a date for submission of a plan to attain or maintain the secondary standards. The Regional Administrator will re-evaluate the matter and may subsequently decide what the date shall be for the submission of an attainment and/or maintenance plan addressing the secondary standards.

Since a portion of the Metropolitan Kansas City Interstate AQCR has been identified as an AQMA, the SIP revisions must be prepared in accordance with the requirements of 40 CFR Part 51, Subparts A, B, and D. Subpart D requires a projection and allocation of emissions, air quality modeling, and much intergovernmental coordination not required in Subparts A and B.

The State shall indicate in its revised plan, where attainment of the standard is demonstrated, the date by which the national ambient particulate standard will be attained. The Regional Administrator advises the State that the plan revisions must provide for the attainment of the primary standard as expeditiously as practicable.

The Governor shall submit, within 60 days, a letter of intent to the Regional Administrator, EPA, Region VII, which identifies the various action steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been, or will be, given the responsibility to develop and prepare the plan revision.

All of the applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitute and/or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for particulate matter in the Metropolitan Kansas City Interstate AQCR is substantially inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended, (42 U.S.C. 1857c-5(a)(2)(H)); sec. 110(c) of the Clean Air Act, as amended, (42 U.S.C. 1857c-5(c))

Dated: July 2, 1976.

JEROME H. SVORE,
Regional Administrator.

[FR Doc.76-20583 Filed 7-15-76;8:45 am]

[FRL 584-4]

LOUISIANA

Required Revision to Implementation Plan for Photochemical Oxidants and Particulate Matter

In this notice, the EPA Regional Administrator for Region VI finds that the implementation plan for Louisiana's portion of the Southern Louisiana-Southeast Texas air quality control region (AQCR) is inadequate for attainment and maintenance of the primary national ambient air quality standard for photochemical oxidants, and the plan is inadequate for attainment and maintenance of the secondary national air quality standards for particulate matter in the Shreveport AQMA (Caddo, Bossier, and Webster Parishes). He is therefore requesting that the State of Louisiana submit a revision to the plan to correct those deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

DETAILED DISCUSSION OF ACTION

PHOTOCHEMICAL OXIDANTS

On May 31, 1972 (37 FR 10842), under section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator disapproved the control strategy for attainment and maintenance of the national primary and secondary air quality standards for photochemical oxidants in the Southern Louisiana-Southeast Texas AQCR. On March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards. After review and analysis of a plan revision submitted by Louisiana, the control strategy was approved on July 2, 1973 (38 FR 17682) for attainment of the national standards, and EPA's promulgated hydrocarbon control regulations were revoked. The implementation plan was originally designed to attain the national standards by mid-1975.

The Regional Administrator finds that the presently approved control strategy portion of the implementation plan for photochemical oxidants is inadequate to attain and maintain the national primary and secondary air quality standards. This finding is based on the following:

1. Recent air quality data which indicate substantial and frequent violations of the national primary and secondary air quality standards.

2. A technical report entitled "Analysis of Data for Hydrocarbon Sources in Non-Attainment Areas in Louisiana," which was prepared for EPA by TRW, Inc. This report is available for inspection and copying at EPA, Region VI, 1600 Patterson Street, Dallas, Texas 75201, during normal business hours. Copies of the report are available to the appropriate State and local air pollution control agencies within the State.

Oxidant air quality data recorded during 1975 are shown in the table below for the three major metropolitan areas in the Southern Louisiana-Southeast Texas AQCR.

Area:	*1975, oxidant levels, 2d high (ppm)*
Baton Rouge	0.170
New Orleans	0.094
Lake Charles	0.174

A review of the compliance status for stationary hydrocarbon sources shows that most of the sources are in compliance with Louisiana's emission limitations, although there are a number of exemptions outstanding. Therefore, there is little reason to believe that the above concentrations will decrease significantly in the future. To compound the problem, expected growth in industrial activity in the three areas should lead to increased hydrocarbon emissions.

The technical report referenced above was prepared with the assistance of and coordinated with the staff of the Louisiana Air Control Commission.

Because of plan inadequacies, the Regional Administrator finds that a revision to parts of the control strategy for photochemical oxidants in the applicable plan is needed, and hereby requests the State to submit a revision as follows:

1. The State shall prepare and submit by July 1, 1977, a revision containing:

a. All achievable emission limitations that are needed to provide for the attainment of the national standard for photochemical oxidants, and

b. A demonstration of the effect on air quality concentrations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national standard, the State shall prepare and submit by July 1, 1978:

a. Such measures for attainment of the standard for photochemical oxidants, and

b. A demonstration that the control strategy will attain the standard for photochemical oxidants.

The State shall indicate in its revised plan where attainment of the standard is demonstrated, the date by which the national standard for photochemical oxidants will be attained. The Regional Administrator advises the State that the plan must provide for the attainment of the primary standard as expeditiously as practicable, generally not more than 3 years after the date of expected approval of the revision.

The State shall prepare the revision in accordance with the requirements of 40 CFR Part 51, Subparts A and B.

Because the date for attainment of the standard is unknown at this time and not expected to be any sooner than 1980, the Regional Administrator does not intend at this time to establish either a date for submission of a control strategy that will provide for the maintenance of that standard, or the period over which the plan would have to ensure maintenance. The plan revision must, however, discuss the types of additional measures that may be needed in the distant future for maintenance and demonstrate that immediate adoption of such measures is not practicable.

PARTICULATE MATTER

On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for attainment and maintenance of the national primary and secondary standards for particulate matter in the Shreveport-Texarkana-Tyler AQCR. The implementation plan was originally designed to attain these national standards by mid-1975. On March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards. Following this action on April 29, 1975, EPA identified the Shreveport area as an air quality maintenance area—an area that has the potential for failing to maintain a national air quality standard (40 FR 18734, published as 40 CFR 52.982).

The Regional Administrator finds that the presently approved control strategy portion of the implementation plan for particulate matter is inadequate to attain and maintain the national secondary ambient air quality standards.

This finding is based upon recent air quality data which indicate frequent violations of the national secondary air quality standards. Because many sources are already in compliance with the provisions of the existing plan, there is little reason to believe that the concentrations will decrease in the future. In addition, expected growth in population and industrial activity should lead to increased emissions and increased air quality concentrations.

The Regional Administrator is conducting a detailed analysis to determine more precisely the extent of the problem. This analysis will be made publicly available upon completion. Rather than wait for the completion of the analysis, however, the Regional Administrator is calling for a plan revision now so that appropriate agencies in the State may begin at once the process of developing their plan revision.

Because of the available air quality information, the Regional Administrator finds that a revision to parts of the control strategy for particulate matter in the applicable plan is needed. Until the detailed analysis is completed, the Regional Administrator does not intend to establish a date for the submission of a control strategy that will provide for attainment and maintenance of the secondary standards, or the period over which the plan would have to ensure maintenance. He will re-evaluate the matter and subsequently decide what the submission date shall be.

The State shall prepare the revision in accordance with the requirements of 40 CFR Part 51, Subparts A and B.

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator, EPA, Region VI, which identifies the various action steps, along with target dates for completion, which the State will take to develop the plan revisions, in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revisions.

All of the applicable plan remains in effect until the plan revisions are submitted by the State to EPA and are approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategies for photochemical oxidants and particulate matter in the Southern Louisiana-Southeast Texas AQCR and Shreveport AQMA, respectively, are inadequate and need to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no public hearing on the revision, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(H)); sec. 110(c), Clean Air Act, as amended, 42 U.S.C. 1857c-5(c))

Dated: July 1, 1976.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-20586 Filed 7-15-76;8:45 am]

[FRL 584-2]

MISSOURI

Required Revision to Implementation Plan for the St. Louis and the Kansas City Interstate Air Quality Control Regions (AQCR)

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with specific exceptions, the control strategies developed for the attainment and maintenance of the national ambient primary and secondary criteria air pollutant standards in Missouri. The implementation plan was originally designed to achieve the national standards by June 1975. Missouri's request for a two-year extension for attainment of the national ambient carbon monoxide (CO) standard in the Metropolitan St. Louis AQCR was not considered applicable since it was determined that the national primary standard for CO would be attained by mid-1975. Also, the air quality data for photochemical oxidants (O_x) in the St. Louis area, that were available in early 1972, indicated that air quality standards would be achieved by mid-1975. Therefore, St. Louis was not included in those areas designated by the EPA as requiring transportation control plans for reduction of motor vehicle related pollutants.

Upon further plan review, the Administrator determined that no State Implementation Plan (SIP) contained all measures necessary to ensure maintenance of the standards after the statutory attainment date, and accordingly, on March 8, 1973 (38 FR 6279), the Administrator disapproved all implementation plans with respect to maintenance of the national standards. Following this action, on September 9, 1975 (40 FR 41942), the Administrator identified, pursuant to 40 CFR 51.12(e) and (f), geographic areas having the potential for violation of the National Ambient Air Quality Standards (NAAQS) by 1985. The metropolitan areas designated as Air Quality Maintenance Areas (AQMA) in the State of Missouri were: (1) The Kansas City Interstate AQMA (identified for possible future violation of the particulate matter standards); and (2) the St. Louis Interstate AQMA (identified with respect to total suspended particulate matter, photochemical oxidants, and sulfur dioxide).

Section 110(a)(2)(H) of the Clean Air Act, as amended, requires that the SIP "* * * provide for revision, after public hearings, of such plan * * * whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve the national ambient air quality primary or secondary standard which it implements." On the basis of recent air quality data submitted by the States in fulfillment of a quarterly reports requirement (40 CFR 51.7), the Regional Administrator has further identified the following areas as non-attainment areas

in the State of Missouri (i.e., areas within which an ambient air quality primary standard was not achieved by the specified July 1975 attainment date): (1) The Metropolitan Kansas City Interstate AQCR; and (2) the Metropolitan St. Louis Interstate AQCR.

The Regional Administrator for Region VII finds that the presently approved implementation plan is substantially inadequate to attain the national ambient air quality primary standards for CO, O_x, sulfur dioxide (SO_2) and total suspended particulates (TSP) in the St. Louis AQCR, and for TSP in the Kansas City AQCR.

After it was recognized that the existing emission control strategies were inadequate to achieve the ambient standards for O_x and CO in the St. Louis AQCR by the designated attainment date, the Governor of Missouri was notified by letter on September 14, 1973, of the need for revision of the implementation plan. The EPA has worked closely with the State to develop a better data base and regulations. A regulation has been developed for the control of gasoline vapors during bulk storage and handling. A work plan has been developed for the implementation of more stringent stationary source hydrocarbon (HC) controls, an inspection and maintenance program affecting automobiles and transportation system improvements. The previous call for plan revisions remains in effect and is in no way affected by this call for revision.

It appears that the SO_2 and the suspended particulate problems existing within the St. Louis metropolitan area are both point-source oriented and concentrated in a localized "hot spot" area on the southern boundary between St. Louis City and County. It is requested that the State of Missouri identify the major point- and area-sources contributing to the high ambient concentrations of SO_2 and TSP, determine the boundaries of the non-attainment area, and develop additional pollutant control strategies to reduce the SO_2 and/or particulate matter emissions which adversely impact the "hot spot" area. Emission control strategies should be developed, as necessary, to achieve the ambient air quality standards within other problem areas if such non-attainment areas are identified.

The State will also be required to either repeal or replace (with specific emission limitation regulations) those portions of the existing State air pollution control regulations which set forth a maximum allowable impact on ambient air quality concentrations at points located beyond the premises of the contributing source. The main objection to the above mentioned regulations is their primary dependency upon atmospheric and meteorological dispersion principles. This action has been necessitated by recent court decisions.

The Regional Office has contracted for additional studies to address the resuspension of dust problem in the metropolitan Kansas City Interstate AQCR. The primary objective is the identification and evaluation of feasible and economical dust control programs. Anticipating the isolation of applicable control programs, the Regional Administrator is calling for plan revisions for implementation of control measures designed to attain and maintain the TSP standards.

Federally-promulgated regulations allowing the Administrator to request and to make available for public review, source-generated emission data, were established on October 28, 1972 (FR 23085) since the State of Missouri does not have adequate legal authority to make such data available to the public. The State is requested to seek the necessary legal authority and to develop procedures for making such data available to the general public. Upon approval by the EPA of State-developed "availability of data" regulations, which are consistent with the requirements of the Clean Air Act, the Administrator will be in a position to revoke the federally-promulgated regulations.

St. Louis Interstate AQCR (CO/O_x)

On September 14, 1973, the Governor of Missouri was advised of the need to revise the implementation plan for attainment of the NAAQS for CO and O_x. A review of 1974 air quality data shows a second-high 1-hour concentration of 380 micrograms per cubic meter ($\mu g/m^3$) for photochemical O_x and a second-high 8-hour value of 12.5 milligrams per cubic meter (mg/m^3) for CO. Sampling data show no violation of the 1-hour CO standard.

The Governor of Missouri was informed on September 12, 1975, that in order to meet ambient standards (160 $\mu g/m^3$, 1-hour maximum for O_x; 10 mg/m^3, 8-hour maximum for CO) it would be necessary to reduce CO concentration by 20 percent. Air quality data collected during 1975 in the City of St. Louis show a second-high ozone value of 360 $\mu g/m^3$. Thus, it is evident that monitored ozone concentrations are substantially and consistently over the national standard. Also, violation of the 8-hour CO standard continued to exist on a lesser scale.

On April 21, 1976, the Missouri Air Conservation Commission (MACC) adopted a plan for the development by July 1977 of emission control strategies designed to reduce CO and photochemical O_x emissions in the St. Louis metropolitan area. The plan as adopted is summarized as follows:

1. Regulations for the control of HC were approved by the MACC on March 24, 1976. The regulation requires control of HC emissions at petroleum storage tanks during gasoline loading operations involving tank trucks, trailers, or railroad tank cars, and during transfer of gasoline from delivery vessels into service station storage tanks having a capacity greater than 2,000 gallons.

2. If deemed appropriate, control strategies for the reduction of emissions at degreasing and dry cleaning facilities will be evaluated and developed. The tentative time schedule indicates that final adoption of the regulations will occur by June 30, 1977.

3. Impact, feasibility, and control technology studies will continue for the following types of point-source activities: automotive painting, metal coating, and surface coating operations.

4. During the 1977 legislative session, the MACC intends to seek authorization for an automobile inspection/maintenance program. Program development, mechanic training programs and public information campaigns will occur in 1978 and 1979 prior to the scheduled implementation of a mandatory inspection program in 1980.

5. The State will evaluate voluntary transportation system management strategies (e.g., carpooling, park-and-ride, reserved bus lanes, improved mass transit, traffic signal synchronization, etc.) prior to the preparation of a comprehensive report by February 1977. Subsequent evaluations will determine whether or not mandatory regulations will be required to achieve the necessary emission reductions.

6. Future areawide planning proposals will be evaluated to further assess the potential negative and/or beneficial impacts on ambient air quality resulting from other regional planning processes or programs (e.g., land use, transportation, etc.).

St. Louis Interstate AQCR (TSP/SO_2)

The Division of Air Pollution Control for the City of St. Louis, in review of the 1975 air quality data, has isolated the area surrounding the Broadway and Hurck (8200 South Broadway) sampling site as the problem non-attainment "hot spot" area in the City of St. Louis. The annual geometric mean of suspended particulate matter at this site was 105.2 micrograms per cubic meter ($\mu g/m^3$). Monitors operated by the St. Louis County Air Pollution Control Branch of the Department of Community Health and Medical Care, also identify the area near 8900 South Broadway (101 $\mu g/m^3$) as an area which will require special attention and the implementation of additional emission control strategies. The primary standard is 75 $\mu g/m^3$.

The only sampling station where ambient concentrations exceeded the annual primary SO_2 standard (80 $\mu g/m^3$) was the Broadway and Hurck site which, as previously mentioned, was also identified as the particulate matter non-attainment "hot spot" area. The calculated percent reduction required to achieve compliance with the primary annual standard is approximately 21 percent. Eight violations of the 24-hour SO_2 primary standard (365 $\mu g/m^3$) were also recorded at the Broadway and Hurck sampling monitor. The second-highest recorded concentration was 610 $\mu g/m^3$.

The MACC has developed a work schedule to develop additional control strategies designed to achieve the primary ambient air quality standards in the "hot spot" area of the St. Louis AQCR. Briefly outlined, implementation plan revisions will develop as follows: (1)

The MACC, in cooperation with the local St. Louis City air pollution control agencies, has identified the area within which air quality concentrations are currently in excess of the ambient standards with little, if any, positive trends expected within the immediate future; (2) during June and July 1976, the MACC intends to update the existing emission inventories to account for all point- and/or area-sources contributing to the existing air quality levels; (3) percent reductions of particulate and SO_2 emissions, which will be necessary to attain the national standards, hopefully, will be quantified by September 1, 1976; (4) by December 1976, agreement should be reached regarding the degree and type of regulations necessary; (5) draft regulations incorporating additional and/or amended control strategies should be ready for public hearing by June 1977; (6) public hearing on the draft regulations in February 1977, followed by a redrafting of the proposed regulations, if necessary; and (7) adoption and implementation of the suspended particulate and SO_2 control strategies by June 1977.

Kansas City Interstate AQCR (Particulate)

Recorded suspended particulate concentrations in excess of the primary annual geometric mean particulate standards of 75 $\mu g/m^3$ occurred at 6 monitoring sites in Kansas City during 1975. The highest recorded concentration was 125 $\mu g/m^3$. For most sampling sites, downward trends in particulate levels between 1967–1974 have been small in comparison with the reported reductions in the point-source emissions. The Kansas City Air Pollution Control Division is currently evaluating source receptor relationships to identify sources contributing to these standard violations.

A study performed by PEDCo Environmental Specialists, Incorporated, under contract to EPA, suggests that area-source emissions may have a significant impact on total ambient particulate concentrations in the urbanized area of Kansas City. The PEDCo modeling analysis also shows that much of the projected area-source emissions are contributed by the vehicle-induced resuspension of dust particles from paved street surfaces. The above mentioned technical report entitled "Analysis of Probable Non-Attainment in the Kansas City AQCR" (February 1976) is available for public inspection at the Regional Office of EPA, 1735 Baltimore, Kansas City, Missouri. Copies of this technical report were made available to the appropriate State and local air pollution control agencies within the States of Missouri and Kansas.

It is believed that attainment of the primary particulate standard can only be accomplished by substantially reducing the resuspension of dust from city streets. Existing control techniques, which may play a role in reducing the resuspension potential, are currently not well defined. In this regard, the Region VII office is contracting for a study to assess the relative costs and control efficiencies associated with possible resuspension control program alternatives. This study should be available by February 1977.

The Governor of Kansas has been notified of the existing nonattainment problem in the Kansas City interstate area and of the future need for intergovernmental cooperation in the development of possible particulate emission control measures to be applied within both the Kansas and Missouri portions of the Kansas City AQCR.

Emission of Sulfur Compounds

Pursuant to the decisions of the Fifth, Sixth, and Ninth Circuits disallowing the use of stack height increases, in lieu of emission limitations, EPA has judged that air quality control regulations which depend primarily upon meteorological and pollutant dispersion principles, rather than specific pollutant emission limitations, are not consistent with the general intent of the Clean Air Act. Such regulations must be eliminated from existing implementation plans. State-promulgated "fenceline" regulations, which assign allowable impact on ambient air quality concentrations at or near stationary source property lines, are considered invalid in that such regulations are specifically influenced by, and dependent upon, atmospheric dispersion characteristics.

Missouri's Regulation S–X "Restriction of Emission of Sulfur Compounds" requires emission reduction plans for sources which emit greater than 1,000 pounds per hour of SO_2, if the resultant impact of the SO_2 emissions on air quality "* * * at any occupied place beyond the premises" exceed allowable changes in 1-hour or 24-hour concentrations. Similar regulations are also established for sulfuric acid, sulfur trioxide and hydrogen sulfide emissions. Localized State air pollution control regulations which contain SO_2 dispersion-related provisions also exist in the following areas: (1) The Kansas City metropolitan area (Regulation XV); (2) the Springfield-Greene County area (Regulation XIV); and (3) the St. Louis metropolitan area (Regulation XIV). Some of these regulations also exempt certain facilities such as power plants from compliance with constant emission limitations.

These regulations are "fenceline" regulations and, as such, must be replaced by regulations containing constant emission limitations. Such regulations must be applicable to all sources of sulfur dioxide.

Availability of Emission Data

Included in the Administrator's initial SIP approval/disapproval on May 31, 1972 (37 FR 10842), was the determination that the implementation plan, as submitted by the State of Missouri, did not meet the requirements of 40 CFR 51.10(e) and 40 CFR 51.11(a) (6) and (f) since the State does not have the necessary legal authority to make all emission data, as correlated with applicable emission limitations, available to the public; the local air pollution control agencies do not have adequate procedures to make emission data available to the public; and Section 203.050.4 of the MACC law allows confidential treatment of information (including emission data) if the information relates to secret processes, methods of manufacture or production. In part, the basis for the original disapproval determination has been reaffirmed by rulings issued by the First, Second, and Fifth Circuit Courts of Appeal ("NRDC, et al. v. EPA"), which held that the presence of confidentiality clauses so becloud the public's right to emission data that any emission disclosure provision which is compromised by such a confidentiality clause must be disapproved.

Subsequently, on October 28, 1972 (37 FR 23085), the Administrator clarified and revised the previously mentioned Missouri implementation plan disapproval and promulgated federal regulations establishing procedures and requirements to make emission data available to the public. These regulations which were uniformly re-promulgated on a national scale on November 28, 1975 (40 FR 55326), permit circumvention of the State's confidentiality clause and the State's legal authority inadequate by requiring the source to submit emission data (and any other information deemed necessary to determine a source's compliance status) whenever such information is requested by the appropriate EPA Regional Administrator. The Regional Administrator is required to respond within 30 days to written requests for emission data submitted by the general public.

Since it is hoped that this call for revision will result in a fully approved implementation plan, the Regional Administrator requests that the State of Missouri seek the legal authority to make all emission data subject to public review and to provide procedures for making emission data, as correlated with applicable emission limitations, available to the public. Provisions similar to those contained in the federally-promulgated regulations (40 CFR 52.1324(b)) are suggested, and it is also requested that the State pursue a similar call for revision on the local agency level.

Summary: Call for Revision

Previous calls for revision remain in effect and should be submitted as originally scheduled, or as required, by the following time schedule, whichever is sooner. In consideration of the above mentioned inadequacies, the Regional Administrator of Region VII finds that revisions to parts of the existing SIP control strategies designed to attain and maintain the primary NAAQS in the metropolitan Kansas City interstate and in the metropolitan St. Louis interstate areas are needed, and hereby requests the State of Missouri to submit plan revisions as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing: (a) All achievable emissions limi-

tations that are needed to provide for the areawide attainment of the national ambient particulate matter standards in the Kansas City AQMA; for the attainment of the national primary ambient SO_2 and particulate matter standards in the identified "hot spot" area(s) of the St. Louis AQMA; and (b) a demonstration that the control strategy will maintain these standards for at least 10 years beyond the expected attainment date. The maintenance plan for particulate matter in St. Louis shall be AQMA-wide.

2. If additional control measures such as land use and transportation measures are needed for attainment and maintenance of the national primary standards, the State shall prepare and submit the measures by July 1, 1978, with demonstrations of maintenance.

3. The State of Missouri shall also revise by July 1, 1977, the "Restrictions of Emission of Sulfur Compounds" regulations either by repealing and/or replacing the dispersion related sections with constant emission limitation regulations. Constant emission limitations must be developed for all sources, including power plants.

4. The State shall develop by July 1, 1977, enforceable procedures similar to the federally-promulgated requirements (40 CFR 51.1324(b)) for making all emission data, as correlated with applicable emission limitations, available to the public.

The Regional Administrator will not, at this time, establish a date for submission of the plant to attain the secondary standards nor will be establish a time period over which the plan would have to demonstrate maintenance of secondary standards. To ensure maintenance of the secondary standards, however, the Regional Administrator will re-evaluate the matter and may subsequently decide what the date(s) shall be for submission of an attainment-maintenance plan(s).

For areas identified within the Kansas City and St. Louis AQCRs as AQMAs, the SIP revisions shall be prepared and developed in accordance with the requirements of 40 CFR Part 51, Subparts A, B, and D. Subpart D requires a projection and allocation of emissions, air quality modeling, and much intergovernmental coordination not required in Subparts A and B.

The State shall indicate in its revised plan, where attainment of the standards is demonstrated, the date by which the national ambient primary standards (TSP in the Kansas City area and TSP and SO_2 in the St. Louis area) will be attained. The Regional Administrator advises the State that the plan revisions must provide for the attainment of the primary standard as expeditiously as practicable.

The Governor shall submit, within 60 days, a letter of intent to the Regional Administrator, EPA, Region VII, identifying the various action steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify, in the above mentioned letter, the agencies that have been given responsibility to prepare the plan revision.

All of the applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute and/or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for TSP in the metropolitan Kansas City area and TSP and SO_2 in the metropolitan St. Louis area is substantially inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended (42 U.S.C. 1857c-5(c)))

Dated: July 2, 1976.

JEROME H. SVORE,
Regional Administrator.

[FR Doc.76-20584 Filed 7-15-76;8:45 am]

[FRL 584-3]

NEBRASKA

Required Revision to Implementation Plan for Omaha-Council Bluffs Interstate Air Quality Maintenance Area

In this notice, the EPA Regional Administrator for Region VII finds that the implementation plan for the Omaha-Council Bluffs Air Quality Maintenance Area (AQMA) in the State of Nebraska, is substantially inadequate for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). He is, therefore, requesting that the State submit a revision to the plan within the next year to correct those deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for TSP in the Omaha-Council Bluffs AQMA. The implementation plan was originally designed to attain these national standards by May 31, 1975.

However, pursuant to court order, on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards. Following this action on June 2, 1975 (40 FR 23754), EPA identified the Omaha-Council Bluffs area as an AQMA.

The Regional Administrator finds that the presently approved control strategy portion of the implementation plan is substantially inadequate to attain and maintain the NAAQS for TSP.

This finding is based on recent air quality data submitted by the State in fulfillment of the requirements of § 51.7 and on a technical evaluation prepared by the Nebraska Department of Environmental Control and submitted on April 21, 1976.

Air quality data for the Nebraska portion of the Omaha-Council Bluffs AQMA, for the most recent 12 months, reveals 9 monitoring sites which recorded violations of the secondary standard for TSP. Three of these sites also exceeded the primary standard for annual geometric mean particulate concentrations and one exceeded the primary standard for maximum allowable 24-hour concentrations. Examination of these data indicates that air quality standards are not attained in Omaha, and not expected to be, without additional control measures. These data, and the State submission are available for inspection and copying at the Regional Office.

Because of these identified inadequacies, the Regional Administrator finds that a revision to parts of the control strategy for TSP in the applicable plan is needed and hereby requests the State to submit a revision as follows:

The State shall prepare and submit by July 1, 1977, a plan revision containing all achievable emission limitations that are needed to provide for the attainment and maintenance of the national standards for TSP and demonstration of the effect of such measures on air quality concentrations.

If additional control measures such as land use and transportation measures are needed for attainment and maintenance of the national standards, the State shall prepare and submit by July 1, 1978, such measures for attainment and maintenance of standards, and a demonstration that the control strategy will attain and maintain the primary standard for TSP.

The completed plan revision must demonstrate that the total control strategy will maintain the national standards for 10 years after attainment.

The Regional Administrator will not, at this time, establish a date for submission of the plan to attain or maintain the secondary standards. The Regional Administrator will re-evaluate the matter and may subsequently decide what the submission date shall be for the combined attainment and maintenance plan for the secondary standards.

The State shall prepare the revisions in accordance with the requirements of 40 CFR Part 51, Subparts A, B, and D.

In the case where attainment of the standards is demonstrated, the State shall indicate in its revised plan the date by which the national standards shall be attained. The plan revision must

provide for the attainment of the primary standard as expeditiously as practicable, and for the attainment of the secondary standards within a reasonable time thereafter.

The Governor shall submit, within 60 days, a letter of intent to the Regional Administrator, which identifies the various action steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All of the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy is substantially inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearings on the revision, will provide opportunity for public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended (40 U.S.C. 1857c-5(a)(2)(H)); sec. 110(c) of the Clean Air Act, as amended, (72 U.S.C. 1857c-5(c)))

Dated: July 2, 1976.

JEROME H. SVORE,
Regional Administrator.

[FR Doc.76-20585 Filed 7-15-76;8:45 am]

[FRL 584-5]

NEW MEXICO

Required Revision to Implementation Plan for the Pecos-Permian Basin Air Quality Control Region

In this notice, the EPA Regional Administrator for Region VI finds that the implementation plan for the State of New Mexico is inadequate in its consideration of the air quality impact of particulate matter emissions from existing and projected potash plants in the Pecos-Permian Basin Air Quality Control Region (AQCR 155) for the attainment and maintenance of the primary national ambient air quality standards. He is, therefore, requesting that the State submit a revision to the plan to correct those deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

DETAILED DISCUSSION OF ACTION

On May 31, 1972 (37 FR 10842), under section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulate in the Pecos-Permian Basin Region. The implementation plan was originally designed to attain these national standards by July 1, 1975. Furthermore, on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards.

The Regional Administrator of the EPA, Region VI finds that the presently approved control strategy portion of the implementation plan for particulate matter does not include control of potash plants for the Pecos-Permian Basin Region. As a result, it has been determined that the implementation plan is inadequate to attain and maintain the national primary ambient air quality standards for total suspended particulate from potash plants.

This finding is based on the October 1975 preliminary regional environmental analysis record on "Potash Leasing in Southeastern New Mexico" which indicated that the primary national ambient air quality standards for total suspended particulate are currently being exceeded. The analysis was done by the Bureau of Land Management, and involved the estimation of annual concentrations from existing potash plants. The State of New Mexico has also completed a preliminary analysis which involved the estimation of short-term particulate matter concentrations by applying the emission rates reported by the Bureau of Land Management. This analysis suggested that a majority of the existing potash plants are capable of exceeding the primary 24-hour maximum national standard for total suspended particulate. Furthermore, it is anticipated that this problem will be compounded by fugitive dust emissions and by the expected growth of the potash industry in this region, which will lead to increased emissions and increased particulate matter concentrations. The combination of these factors indicates that the plan is inadequate to attain and maintain the national ambient air quality standards for total suspended particulate.

The State of New Mexico is presently conducting a more detailed analysis which will consider point source particulate matter emissions from existing potash plants and projected emissions from proposed new leases. The purpose of this analysis is to define control requirements. It is scheduled for completion by June 30, 1976, and will be made publicly available. Rather than wait for the completion of the analysis however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies in the State may begin at once the process of developing their plan revision.

The Regional Administrator finds that a revision to parts of the control strategy for particulate matter in the applicable plan is needed and hereby requests the State to submit a revision.

Because the extent and nature of the attainment problem due to particulate matter emissions from potash plants will not be fully known until completion of the analysis, the Regional Administrator does not intend at this time to establish either a date for submission of a control strategy that will provide for the attainment and maintenance of that standard or the period over which the plan would have to ensure maintenance.

The Regional Administrator will reevaluate the matter and subsequently decide what the submission dates shall be.

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator, EPA, Region VI, which identifies the various action steps, along with target dates for completion, which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitute regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for particulate matter in the Pecos-Permian Basin Region is inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H), Clean Air Act, as amended, (42 U.S.C. 1857c-5(a)(2)(H)); sec. 110 (c), Clean Air Act, as amended, (42 U.S.C. 1875c-5 (c))

Dated: July 1, 1976.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.78-20587 Filed 7-15-76;8:45 am]

[FRL 584-8]

NEW MEXICO

Attainment and Maintenance of Particulate Matter and Carbon Monoxide Standards; Revision to New Mexico Implementation Plan

In this notice, the EPA Regional Administrator for Region VI finds that the implementation plan for the regions and areas shown in Table I in the State of New Mexico is inadequate for the attainment and maintenance of the primary

National Ambient Air Quality Standards for particulate matter, and that the implementation plan for the regions and areas shown in Table 2 is inadequate for the attainment and maintenance of the primary National Ambient Air Quality Standards for carbon monoxide. He is therefore requesting that the State submit a revision to the plan to correct those deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

Detailed Discussion of Action

On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulate and carbon monoxide for the areas indicated in Tables 1 and 2, except for the New Mexico portion of the El Paso-Las Cruces-Alamogordo AQCR where the plan did not provide for attainment and maintenance of the national standards for total suspended particulate. The implementation plan was originally designed to attain these national standards by July 1, 1975. Furthermore, on March 8, 1973 (38 FR 6279) EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action, on June 2, 1975, EPA approved the State designation of the areas indicated in Tables 1 and 2 as air quality maintenance areas—areas that have the potential for failing to maintain a national air quality standard (40 FR 23746, published as 40 CFR 52.1633).

Total Suspended Particulate

The Regional Administrator of EPA's Region VI finds that the presently approved and previously disapproved (in the case of El Paso-Las Cruces-Alamogordo Interstate Region) control strategy portion of the implementation plan for particulate matter for the regions and areas indicated in Table I is inadequate to attain and maintain the national primary and secondary ambient air quality standards for total suspended particulate.

Table 1.—*Total suspended particulate (TSP)*

Air quality control region		Revision requested for—	Air quality maintenance area	
No.	Title		No.	Title
12	Arizona-New Mexico-southern border	Attainment		None designated.
14	Four Corners	do		Do.
152	Albuquerque mid-Rio	Attainment and maintenance.	152A	Albuquerque.
153	El Paso-Las Cruces Alamogordo interstate	do	153A	Las Cruces.
157	Upper Rio Grande Valley	Maintenance	157A	Sante Fe.

The finding is based upon recent air quality data. These data indicate violations of the national air quality standards. Furthermore, because many sources are already in compliance with the provisions of the existing plan, there is little reason to believe that these concentrations will decrease in the future. In fact, the particulate problem may be compounded by fugitive dust emissions, and expected growth of particulate sources could lead to increased emissions and increased air pollutant concentrations. The combination of these factors indicates that the plan is inadequate to attain and maintain the national ambient air quality standards.

The State of New Mexico completed an analysis for the El Paso-Las Cruces-Alamogordo AQCR dated April 28, 1976, in which fugitive dust emissions were identified as the principal reason for non-attainment of the primary standards. In this analysis it was indicated that a further investigation was needed to aid in the development of workable control strategies. Such an investigation is being carried out at the present time by the EPA and the State of New Mexico. It is scheduled for completion by November 1976, and will be made publicly available.

The State of New Mexico is also conducting detailed analyses for the other regions and areas indicated in Table I to determine more precisely the extent of the problem. These analyses are also scheduled for completion by November 1976, and will be made publicly available.

Rather than wait for the completion of the above analyses, however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies in the State may begin at once the process of developing their plan revision.

The Regional Administrator finds that a revision to parts of the control strategy for total suspended particulate for the areas and regions indicated in Table I is needed, and hereby requests the State of New Mexico to submit the revisions requested in Table I as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing:

a. all achievable emission limitations that are needed to provide for the attainment of the national standards for total suspended particulate, and

b. a demonstration of the effect on air quality concenrtations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national standards, the State shall prepare and submit by July 1, 1978:

a. such measures for attainment of the standards for total suspended particulate, and

b. a demonstration that the control strategy will attain the primary and secondary standards for total suspended particulate.

Because the date for attainment of the total suspended particulate standards is unknown at this time and not expected to be any sooner than 1980, the Regional Administrator does not intend at this time to establish either a date for submission of a control strategy that will provide for the maintenance of that standard or the period over which the plan would have to ensure maintenance. The plan revision must, however, discuss the types of additional measures that may be needed in the distant future for maintenance and demonstrate that immediate adoption of such measures is not practicable.

For the same reason, he will not establish a date for submission of the plan to attain the secondary standard. The Regional Administrator will reevaluate the matter and subsequently decide what the submission dates shall be.

Carbon Monoxide

The Regional Administrator of EPA's Region VI also finds that the presently approved control strategy portion of the implementation plan for carbon monoxide for the areas indicated in Table 2 is inadequate to attain and maintain the national primary and secondary ambient air quality standards for carbon monoxide.

Table 2.—*Carbon monoxide (CO)*

Air quality maintenance area		Revision requested for—
No.	Title	
14A	Four Corners	Attainment and maintenance.
152A	Albuquerque	Do.
153A	Las Cruces	Maintenance.
155A	Roswell	Attainment and maintenance.
157A	Santa Fe	Do.

This finding is based upon recent air quality data. These data indicate violations of the national air quality standards. This problem may be compounded by expected growth which could lead to increased emissions and increased air pollutant concentrations. The combination of these factors indicates that the plan is inadequate to attain the national ambient air quality standards.

The State of New Mexico is conducting detailed analyses to determine more precisely the extent of the problem. The analyses are scheduled for completion by June 30, 1976 and will be made publicly available. Rather than wait for the completion of the analyses, however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies in the State may begin at once the process of developing their plan revision.

The Regional Administrator finds that a revision to parts of the control strategy for carbon monoxide for the areas indicated in Table 2 in the applicable plan is needed and hereby requests the State of New Mexico to submit the revisions requested in Table 2 as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing:

a. all achievable emission limitations that are needed to provide for the attainment of the national standards for carbon monoxide, and

b. a demonstration of the effect on air quality concentrations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national standards, the State shall prepare and submit by July 1, 1978:

a. such measures for attainment of the standards for carbon monoxide, and

b. a demonstration that the control strategy will attain the standards for carbon monoxide.

Because the date for attainment of the carbon monoxide standards is unknown at this time and not expected to be any sooner than 1980, the Regional Administrator does not intend at this time to establish either a date for submission of a control strategy that will provide for the maintenance of that standard or the period over which the plan would have to ensure maintenance. The plan revision must, however, discuss the types of additional measures that may be needed in the distant future for maintenance and demonstrate that immediate adoption of such measures is not practicable.

For the same reason, he will not establish a date for submission of the plan to attain the secondary standard. The Regional Administrator will reevaluate the matter and subsequently decide what the submission dates shall be.

The State shall prepare the revisions in accordance with the requirements of 40 CFR Part 51, Subparts A and B.

The Regional Administrator advises the State that plan revisions must provide for the attainment of the primary standard as expeditiously as practicable, generally not more than 3 years after the date of expected approval of the revisions, and for the attainment of the secondary standard within a reasonable time after the date of expected approval of the revisions.

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator, EPA, Region VI which identifies the various action steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All of the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitute regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for total suspended particulate and carbon monoxide in the areas and regions indicated in Tables 1 and 2 is inadequate and needs to be revised. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(H)) and Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857-5(c)).)

Dated July 1, 1976.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-20590 Filed 7-15-76;8:45 am]

[FRL 585-1]

OKLAHOMA

EPA Actions Regarding Oklahoma Implementation Plan Revisions

In the State of Oklahoma, at this time, three Air Quality Control Regions (AQCRs) are not attaining the ambient air quality standards for one or more pollutants. Central Oklahoma (AQCR 181) and Northeastern Oklahoma (ACQR 186) are not attaining the standards for either particulate matter or photochemical oxidants, and Northwestern Oklahoma (AQCR 187) is not attaining the standards for particulate matter.

In addition, on April 29, 1975, EPA identified the Central Oklahoma and Tulsa areas (contained within AQCRs 184 and 186, respectively) as air quality maintenance area—areas which have the potential for failing to maintain a national air quality standard (40 FR 18726, published as 40 CFR 52.1927).

The State of Oklahoma analyzed the attainment and maintenance problems with the intention of assessing the inadequacies of the present implementation plan and developing suitable plan revisions.

On June 16, 1975, the State of Oklahoma submitted a revision to the photochemical oxidant control strategy for Central and Northeastern Oklahoma AQCRs and on February 19, 1976, submitted a revision to the particulate control strategy for the same AQCRs. No revision was submitted for the Northwestern Oklahoma AQCR since the analysis indicated that the observed atmospheric loading of particulates was primarily due to natural sources.

EPA will review these proposed revisions and will publish notices of approval or disapproval. If it is determined that the implementation plan remains inadequate to attain and maintain the national ambient air quality standards, the Regional Administrator will, at that time, call for a plan revision to correct the inadequacy.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

Dated July 1, 1976.

[FR Doc.76-20591 Filed 7-15-76;8:45 am]

[FRL 585-3]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on August 10 and 11, 1976, at the Federal Office Building, Room 204A, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under Section 111 of the Clean Air Act for stationary gas turbines, coke ovens (pushing emissions), and dry cleaning facilities. Also included will be a status report on coal gasification and sinter plant emissions regulations.

All meetings are open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 668-8146, extension 271.

Dated: July 13, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76-20593 Filed 7-15-76;8:45 a.m.]

[FRL 584-6]

TEXAS

Required Revision to Implementation Plan for Particulate Matter

In this notice, the EPA Regional Administrator for Region VI finds that the Texas implementation plan is inadequate for the attainment and maintenance of the primary national ambient air quality standards for particulate matter in the areas indicated in the table below.

Attainment (AQCR's)	Attainment and maintenance (AQMA's)	Maintenance (AQMA's)
El Paso-Las Cruces-Alamogordo.	Corpus Christi	Beaumont.
Amarillo-Lubbock	Dallas-Fort Worth.	
Brownsville-Laredo.	Houston	
San Antonio	Galveston	

He is therefore requesting that the State submit a revision to the plan to correct these deficiencies. The Regional Administrator has formally notified the Governor of this matter in a letter dated July 1, 1976.

DETAILED DISCUSSION OF ACTION

On May 31, 1972 (37 FR 10842), under section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved the control strategy for attainment and maintenance of the national primary and secondary air quality standards for particulate matter in all air quality control regions (AQCRs) in Texas. The implementation plan was originally designed to attain these national standards by mid-1975.

On March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards. Following this action on April 29, 1975, EPA identified the areas listed below as air quality maintenance areas for particulate matter—areas that have the potential for failing to maintain a national air quality standard (40 FR 18736, published as 40 CFR 52.2302).

Beaumont	Galveston
Corpus Christi	Houston
Dallas-Fort Worth	

The Regional Administrator finds that the presently approved control strategy portion of the implementation plan for particulate matter is inadequate to:

1. Attain the primary air quality standards in the El Paso-Las Cruces-Alamogordo, Amarillo-Lubbock, Brownsville-Laredo, and Metropolitan San Antonio AQCRs, and

2. Attain and maintain the primary air quality standards in the Corpus Christi, Dallas-Fort Worth, Houston, and Galveston AQMAs, and

3. Maintain the primary air quality standards in the Beaumont AQMA.

This finding is based upon recent air quality data which indicate that violations of the national air quality standards are occurring in all of the above areas except the Beaumont AQMA. Because many sources are already in compliance with the provisions of the existing plan, there is little reason to believe that the air quality concentrations will decrease in the future. The problem should be compounded because of fugitive dust emissions and expected growth. It is for the same reasons that the standards are not expected to be maintained in the Beaumont AQMA.

The State is conducting detailed analyses in all areas to determine more precisely the extent of the problem. These analyses will be made publicly available when completed. Rather than wait for the completion of these analyses, however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies in the State may begin at once the process of developing their plan revision.

ATTAINMENT OF STANDARDS

Because of the air quality information, the Regional Administrator finds that a revision to the particulate matter control strategy is needed in the El Paso-Las Cruces-Alamogordo, Amarillo-Lubbock, Brownsville-Laredo and Metropolitan San Antonio AQCRs, and hereby requests the State to submit a revision as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing:

a. All achievable emission limitations that are needed to provide for attainment of the national primary standards for particulate matter, and

b. A demonstration of the effect on air quality concentrations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national standards, the State shall prepare and submit by July 1, 1978:

a. Such measures for attainment of the standards for particulate matter, and

b. A demonstration that the control strategy will attain the primary standards for particulate matter.

The State shall indicate in its revised plan, where attainment of the standards is demonstrated, the date by which the national standards for particulate matter will be attained. The Regional Administrator advises the State that the plan revision must provide for attainment of the primary standards as expeditiously as practicable, generally not more than 3 years after the date of expected approval of the revision, and for attainment of the secondary standards within a reasonable time after the date of expected approval of the revision.

ATTAINMENT AND MAINTENANCE IN AQMAS

Because of the air quality information, the Regional Administrator finds that a revision to the particulate matter control strategy is needed in the Corpus Christi, Dallas-Fort Worth, Houston, and Galveston AQMAs, and hereby requests the State to submit a revision as follows:

1. The State shall prepare and submit by July 1, 1977, a plan revision containing:

a. All achievable emission limitations that are needed to provide for attainment of the national primary standards for particulate matter, and

b. A demonstration of the effect on air quality concentrations of such measures.

2. If additional control measures such as land use and transportation measures are needed for attainment of the national primary standards, the State shall prepare and submit by July 1, 1978:

a. Such measures for attainment of the primary standards for particulate matter, and

b. A demonstration that the control strategy will attain the primary standards for particulate matter.

Because the date for attainment of the standards is unknown at this time, and not expected to be any sooner than 1980, the Regional Administrator does not intend, at this time, to establish either a date for submission of a control strategy that will provide for the maintenance of the standards, or the period over which the plan would have to ensure maintenance. The plan revision must, however, discuss the types of additional measures that may be needed in the distant future for maintenance and demonstrate that immediate adoption of such measures is not practicable. For the same reason, he will not establish a date for submission of a control strategy to attain the secondary standards. The Regional Administrator will reevaluate the matter and subsequently decide what the submission dates shall be.

The State shall indicate in its revised plan, where attainment of the primary standards is demonstrated, the date by which the national standards for particulate matter will be attained. The Regional Administrator advises the State that the plan revision must provide for attainment of the primary standards as expeditiously as practicable, generally not more than 3 years after the date of expected approval of the revision, and for attainment of the secondary standards within a reasonable time after the date of expected approval of the revision.

MAINTENANCE IN THE BEAUMONT AQMA

Because of potential effects of fugitive emissions and increases expected from growth, the Regional Administrator finds that a revision to the particulate matter control strategy is needed in the Beaumont AQMA. However, until the analysis being conducted by the State is completed, the Regional Administrator does not intend to establish either a date for the submission of a control strategy that will provide for the maintenance of the standards, or the period over which maintenance must be ensured. He will re-evaluate the matter and subsequently decide what the submission date shall be.

The State shall prepare the revisions, scheduled in this notice, in accordance with the requirements of 40 CFR Part 51, Subparts A and B.

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator. EPA, Region VI, which identifies the various action steps, along with target dates of completion, which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision.

All of the applicable plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy for particulate matter in the AQCRs and AQMAs identified above need to be revised. Authority for such action is provided in sections 110 (a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promul-

gate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearing on the revisions, will provide opportunity for a public hearing.

Sec. 110(a)(2)(H), Clean Air Act, as amended (42 U.S.C. 1857-5(a)(2)(H)); sec. 110(c), Clean Air Act, as amended (42 U.S.C. 1857c-5(c))

Dated: July 1, 1976.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-20588 Filed 7-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-250]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JULY 12, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, 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. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Correction Report No. I-249. Dated 7-7-76. Complete entry is deleted. Posted to Public in error.

15-DSS-ML-76 RCA Global Communication, Inc. (as trustee). Application for authority to operate the RCA SATCOM I domestic satellite at an orbital location of 128° West Longitude in lieu of 135° West Longitude.

SSA-35-75 Western Union Telegraph Company. Petition filed by RCA Global Communication, Inc. (as trustee) for a Commission Order to relocate the WESTAR II satellite from its present orbital location of 123.5° West Longitude.

404-DSE-ML-76 Cities Service Oil Company (WB39), Gulf of Mexico. Modification of license for shared use or access on a nonprofit sharing of cost basis of its Domestic Satellite Earth Station Facility. Cities Service Oil Company is currently utilizing three circuits of the twelve circuits provided. Requests for shared use of the facility are from other oil and gas companies that have or will have operations in the general location of platform A 323 on which the earth station facility is located.

405-DSE-L-76 GTE Satellite Corporation (KA21), Paumalu, Hawaii. Application for license to operate the Paumalu I, Hawaii earth station antenna as a back-up antenna in American Telephone and Telegraph Company/GTE Satellite Corporation's domestic satellite system.

254-CSG-ML-76 Communications Satellite Corporation, Hawaiian Telephone Company, ITT World Communications, Inc., RCA Global Communications, Inc. & Western Union International (KA21), Paumalu, Hawaii. Application for modification of Paumalu I, Hawaii earth station to permit use as back-up antenna in the American Telephone and Telegraph Company/GTE Satellite Corporation's domestic satellite system.

406-DSE-ML-76 Comsat General Corporation (KB34), Santa Paula, California. Modification of license to reflect revised interference criteria in the 3700-4200 MHz. band.

407-DSE-ML-76 Comsat General Corporation (WB36), Southbury, Connecticut. Modification of license to reflect revised interference criteria in the 3700-4200 MHz. band.

408-DSE-ML-76 Teleprompter Corporation (KB50), Eugene, Oregon. Modification of license to permit the licensee to lease to a communications common carrier an existing channel at the earth station that is not needed for present use by the licensee.

409-DSE-P-76 Southwest CATV, Inc., Pharr, Texas. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°26'16". Long. 89°15'23". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

410-DSE-P-76 United Video, Inc., Minier, Illinois. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°26'16". Long. 89°15'23". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

253-CSG-ML-76 Communications Satellite Corporation (WA27), Clarksburg, Maryland. Application for modification of license to add frequencies 5985-6008 and 6074-6083 MHz. (Emission A0), 6083, 6085, 6163 and 6165 MHz. (Emission A0, 30F9), 6240 MHz. (Emission 36000F9) and 6305-6305.9 MHz. (Emission 38F9).

[FR Doc.76-20461 Filed 7-14-76;8:45 am]

[FCC 76-637]

CABLE TELEVISION POLE ATTACHMENT ISSUES

Study of Jurisdictional and Economic Issues

JULY 2, 1976.

The Commission has ordered a wide-ranging staff study of jurisdictional and economic issues involved in the charges, terms and conditions by which space on telephone and other utility poles is leased to cable television systems. The study will be conducted by the Office of Plans and Policy, with the cooperation of other bureaus and offices. We expect to to be completed within several months.

Our action follows the recent filing by the National Cable Television Association (NCTA) of a "Request for Immediate Commission Action in Pending Proceeding," referring ot the combined Dockets 16298, 16943 and 17098. This proceeding chiefly concerns the question of what jurisdiction the Commission possesses, if any, over the charges, terms and conditions for pole line attachments and conduit arrangements as between cable television operator lessees and the owners of the poles and conduits.

In a Public Notice released November 7, 1975, containing "pole attachment formula" described as an aid to pole lease negotiations but not a "formal Commission rate making determination," we emphasized that "nothing contained herein should be deemed a final Commission determination respecting pole attachment matters." Nor is the action taken today any such final determination with respect to our authority over telephone pole and conduit arrangements. We are persuaded, however, after careful review of the pleadings since 1970 in the pole attachment proceeding, that the present Communications Act of 1934, as amended, 47 U.S.C. 151 *et seq.* does not give us authority over the leasing of cable television transmission space on non-telephone utility poles.

We expect the staff study to examine not only the questions of our legal authority to regulate telephone pole attachment and conduit arrangements but also the economic and other issues said to contribute to the urgency of the present situation. In particular, we wish to test the claim of petitioner NCTA that Commission encouragement of private, voluntary settlement of pole attachment disputes "regrettably was unsuccessful." We also note Chairman Wiley's separate statement welcoming "the input and suggestions of not only the state (regulatory) bodies but of the concerned industries and general public as well." The Chairman also has announced that, apart from the staff study, he plans to invite representatives of the National Association of Regulatory Utility Commissioners to meet with him informally on the matter of utility pole rental charges.

In light of our action today ordering a staff study of the matters raised in the NCTA petition, we are dismissing that petition—and the several comments filed in response to it—as pleadings in the formal pole attachment proceeding, but have asked the staff to consider the substance of these documents in its study.

Action by the Commission July 1, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson with Chairman Wiley issuing a separate statement; Commissioner Hooks concurring; Commissioner Quello concurring and issuing a statement.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SEPARATE STATEMENT OF CHAIRMAN RICHARD E. WILEY IN RE POLE ATTACHMENT MATTER

The Commission has decided that it lacks authority over pole rental charges assessed by power and electric utilities. Where state regulatory bodies also disclaim jurisdiction in this area, cable television companies may be left without an administrative forum in which to discuss differences which arise over such charges. In my opinion, a reasonable and legally sustainable solution to this dilemma should be found.

As I see it, state commissions are closer to this problem, more familar with the local vagaries of pole construction and costs, and possess a long-standing regulatory nexus over the utility companies. Their expertise and judgment would be of great benefit in resolving the issues involved in pole rental relationships. And yet, the record reflects that very few state authorities have ventured into this admittedly difficult matter.

In an effort to ventilate the entire question of regulatory authority over utility pole rental charges, I plan to invite representatives of the National Association of Regulatory Utility Commissioners to meet informally with me on this matter. I am hopeful that representatives from those states which have asserted jurisdiction over pole attachment arrangements can be present at such a meeting (or series of meetings). This effort, I believe, will be extremely useful in gathering information pertinent to the Commission staff study which we also are announcing today. In connection with the staff study, we would welcome the input and suggestions of not only the state bodies but of concerned industries and general public as well.

All in all, I am hopeful that the data which may be gleaned from our staff study, and from meetings with state agency representatives, may assist the Commission and, possibly, the Congress in reaching an ultimate and satisfactory resolution of this problem.

CONCURRING STATEMENT OF COMMISSIONER JAMES H. QUELLO, RE: JURISDICTION OVER CABLE TELEVISION POLE ATTACHMENT RATES

While I concur in the Commission's action on cable television pole attachments, I fear it is a half-measure at best. Approximately 50 percent of the poles carrying television cable are power poles rather than telephone poles. Even if the Commission were to find, as a result of the contemplated staff study, that it possessed and should assert jurisdiction over the rental to cable operators of communications space on telephone poles, it could have nothing to say about the rates charged for use of nontelephone utility poles.

Since power company-owned poles may be the only facilities available in one community, or may alternate with telephone poles in another community, or may be jointly owned, I foresee disparate and potentially discriminatory effects on cable operators and the public they serve. Both cable systems and their subscribers depend on the virtually monopolized service of aerial attachment of trunk lines. If the service is over-priced, it makes no practical difference who's in charge.

If the Communications Act must be read to distinguish between two kinds of poles performing the same transmission function for the interstate medium of cable television, then we ought seriously to consider asking Congress to amend the Act. Whether the FCC or the state utility commissions—or some other body or level of government—should regulate cable pole attachments is less important than the power to attack the problem as a whole.

Perhaps the staff study will recommend such a legislative solution. Perhaps, too, Chairman Wiley's informal meetings with state regulatory agencies will bear fruit. But both of these processes will take time, and are subject to delay despite the best of intentions. If private negotiations between pole lessors and lessees already, in less than a year, have proven unsuccessful, they are not likely to be enhanced by today's partial retreat from jurisdiction. Under the circumstances, the Commission should expedite the staff study, complete its decision on jurisdiction swiftly, and meanwhile exercise its good offices wherever feasible if disputes over pole attachment charges and conditions threaten disruption of service to cable television subscribers.

[FR Doc.76-20541 Filed 7-15-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-38]

ARRANGEMENTS RELATING TO THE USE OF ISLA GRANDE MARINE TERMINAL, SAN JUAN, PUERTO RICO

Order To Show Cause

Under the terms of an agreement entitled "AP-72-73-111" dated December 26, 1972, the Puerto Rico Ports Authority (Port) granted Seatrain Lines of Puerto Rico, Inc., (Seatrain P.R.) preferential berthing rights and the exclusive use of certain land area at Isla Grande, San Juan, Puerto Rico (Facility). Among other things, this agreement (hereinafter Seatrain P.R. Lease) provided that the Port would retain secondary berthing rights at the Facility when it was not being used by Seatrain P.R., and that non-Seatrain P.R. vessels calling at the Facility under these secondary berthing rights would be allowed to cross such portions of the exclusive use area as were designated by Seatrain P.R. for that purpose. This agreement further provided that the container cranes constructed and owned by Seatrain P.R. at the Facility would, upon the Port's request, be operated by Seatrain P.R. for vessels owned or operated by another company provided that such use by others in no way substantially reduced the capacity and efficiency of Seatrain P.R.'s own operations at the Facility. While the Seatrain P.R. Lease appears to have provided for activity requiring Commission approval pursuant to section 15 of the Shipping Act, 1916, prior to implementation, it has never been filed with this Commission.

The Commonwealth of Puerto Rico, through an Act of its Legislative Assembly approved June 10, 1974, created the Puerto Rico Maritime Shipping Authority (PRMSA), a nonstock public corporation authorized to acquire, construct, own, operate and maintain maritime shipping lines and terminal facilities.

Under terms of an agreement dated October 4, 1974, and entitled "Agreement for Lease and Purchase of Assets" (Assets Agreement) between Seatrain Lines, Inc., and several of its wholly-owned subsidiaries on the one hand (hereinafter collectively referred to as Seatrain) and PRMSA on the other hand, PRMSA acquired as of October 11, 1974, certain marine terminal assets from Seatrain, which consisted of the assets, equipment and improvements at or used in connection with Seatrain's marine terminal facilities at Isla Grande, San Juan, Puerto Rico. We are of information and belief that the marine terminal assets so acquired by PRMSA included Seatrain's interest in the two container cranes operated by Seatrain at the Facility. The Assets Agreement further provides that PRMSA shall have arranged for an agreement to be entered into between Seatrain and the Port providing for the termination and release of Seatrain from any liability under the Seatrain P.R. Lease.

Under the terms of a "Lease Termination Agreement" between the Port and Seatrain P.R. dated September 30, 1974, the Port released and relieved Seatrain P.R. of all of its obligations and liabilities arising under or out of the Seatrain P.R. Lease, including any duty or obligation to make or complete any of the improvements required by Article III of the Seatrain P.R. Lease. The Lease Termination Agreement specifically provides that Seatrain P.R. will retain title to the terminal assets to be acquired by PRMSA pursuant to the above-referenced Assets Agreement.

We are of information and belief that, on or about October 11, 1974, PRMSA passed a resolution and transmitted the resolution to the Port which provided for PRMSA's assumption of the terms and conditions of the Seatrain P.R. Lease. Furthermore, we are of information and belief that PRMSA then operated at the Facility pursuant to said resolution for an undetermined period of time.

By agreement dated October 1, 1975, PRMSA and the Port entered into and effectuated an arrangement providing for PRMSA's preferential berthing rights and the sublease of certain land area at the Facility. Among other things, this agreement provides that the Port will retain secondary berthing rights at the Facility when it is not being used by PRMSA, and non-PRMSA vessels calling at the Facility under these secondary berthing rights will be allowed to cross such portions of the subleased area as are designated by PRMSA for such purpose. However, unlike the Seatrain P.R. Lease, this agreement does not contain any provision requiring PRMSA to operate the container cranes located at the Facility for the vessels of other carriers.

On May 17, 1976, an incomplete copy of the above-referenced October 1, 1975, agreement between PRMSA and the Port was submitted to the Commission by the Port.

Under letter of June 2, 1976, the Port was advised that that agreement had been received and assigned Federal Maritime Commission Agreement No. T-3308. This letter related that, while initial review of the agreement indicated that it appears to be subject to section 15 of the Shipping Act, 1916, the Commission's staff could not proceed with processing the agreement for Commission action until copies of an "Exhibit 'A'" referred to in the agreement, but not included in the above May 17, 1976, submission, and a statement justifying the need for Commission approval had been received. This letter inquired as to what marine terminal arrangements existed between the Port and PRMSA for the period from October, 1974 until Agreement No. T-3308 was signed, and further advised the

Port's Executive Director as to the statutory provisions of the Shipping Act, 1916, relating to the implementation of agreements requiring Commission approval prior to receiving such approval. The letter also advised that the Port consider an immediate amendment to the agreement that would allow use of the cranes located at the facility by secondary users, since it appeared unlikely that the agreement, in its present form, could be approved without a hearing.

As of this date, said letter of June 2, 1976, has not been acknowledged nor has the above-referenced Exhibit "A" been filed to make the copy of Agreement No. T-3308 presently before the Commission a "true copy" as required by section 15 of the Shipping Act, 1916, for Commission consideration pursuant to said Act.

On or about December 15, 1975, an affiliate of Seatrain, Seatrain Gitmo, Inc., (Seatrain Gitmo) instituted service as a common carrier by water in the U.S. Atlantic-Caribbean trade with a fortnightly containerized service.

Seatrain Gitmo advised us that on or about the date of the institution of its service, it approached PRMSA in an attempt to share one of the several berths that PRMSA utilizes at the Isla Grande Facility and to enter into some suitable form of crane sharing. Similar application allegedly was made by them to the Port for suitable berthing arrangements with access to a container crane.

Seatrain Gitmo advises us that its attempts to gain access to the facility have so far been unsuccessful and, as a result, its ability to carry cargo in this trade has been severely limited because of the current berth and crane restrictions. Presently, Seatrain Gitmo advises us that it is only able to utilize a berth at San Juan adjacent to the Facility, where crane service is provided by portable truck cranes which are only capable of turnaround times substantially in excess of those possible with the use of modern container cranes. However, container cranes exist at the Isla Grande Facility currently operated by PRMSA.

The Commission has a continuing duty to scrutinize activities between persons subject to its jurisdiction which are lawful solely by virtue of Commission approval under section 15 of the Shipping Act, 1916. In instances where two parties subject to the Commission's jurisdiction enter into arrangements for the operation of marine terminal facilities which provide for activities of the nature enumerated under section 15, it is the Commission's duty to insure the parties' compliance with the standards mandated by section 15.

Similarly, it is the Commission's duty to insure that persons subject to its jurisdiction neither grant any undue or unreasonable preferences or advantages to any particular person or subject any particular person to any undue or unreasonable prejudices or disadvantages in a manner violative of section 16 First of the Shipping Act, 1916.

On the basis of information presently available to the Commission, it appears that between December 26, 1972, and September 30, 1974, Seatrain P.R. may have been operating at the Facility pursuant to an arrangement entered into with the Port (Seatrain P.R. Lease) which has not been filed for Commission action pursuant to section 15 of the Shipping Act, 1916. While it also appears that the Seatrain P.R. Lease may have provided for activities which would require Commission approval pursuant to section 15 prior to implementation, the Seatrain P.R. Lease was not filed with the Commission. The Seatrain P.R. Lease was subsequently amended by the Lease Termination Agreement, which was neither filed with nor approved by the Commission prior to its implementation.

On the basis of information presently available to the Commission, it appears that since on or about October 11, 1974, PRMSA may have been operating at the Facility pursuant to arrangements entered into with the Port which have not been filed in complete form for Commission action pursuant to section 15 of the Shipping Act, 1916. While it also appears that these arrangements may provide for activities which would require Commission approval pursuant to section 15 prior to implementation, these arrangements have not been granted any such approval. From such information, it further appears that these arrangements may be violative of the standards of approval under section 15 since they may be unjustly discriminatory or unfair and may control, regulate, prevent or destroy competition since they do not provide for the access by other carriers, including Seatrain Gitmo, to the container cranes located at the Facility.

In addition, from such information, it appears further that the Port, in granting PRMSA the use of the Facility, may be granting PRMSA undue or unreasonable preferences or advantages in violation of section 16 First of the Shipping Act, 1916, in that the Port did not condition such use on PRMSA operating its container cranes for other carriers, including Seatrain Gitmo, on a noninterference basis when so requested by the Port. From such information, it appears further, that PRMSA, in not operating the container cranes at the Facility for other carriers, including Seatrain Gitmo, on a noninterference basis, may be subjecting other carriers, including Seatrain Gitmo, to undue or unreasonable prejudices or disadvantages in violation of section 16 First of the Shipping Act, 1916.

Now, therefore, it is ordered, that pursuant to sections 15, 16, and 22 of the Shipping Act, 1916, Seatrain P.R., PRMSA and the Port be named respondents in this proceeding;

It is further ordered, that Seatrain P.R. and the Port show cause why the Commission should not find the Seatrain P.R. Lease to be subject to section 15, Shipping Act, 1916;

It is further ordered, that Seatrain P.R. and the Port show cause why the Commission should not find them to have violated section 15, Shipping Act, 1916, as a result of their implementing the Seatrain P.R. Lease absent prior Commission approval pursuant to section 15, Shipping Act, 1916;

It is further ordered, that Seatrain P.R. and the Port show cause why the Commission should not find the Lease Termination Agreement to be subject to section 15, Shipping Act, 1916, by virtue of its being a modification of an agreement subject to section 15 of the Shipping Act, 1916;

It is further ordered, that Seatrain P.R. and the Port show cause why the Commission should not find them to have been in violation of section 15, Shipping Act, 1916, as a result of their having implemented the Lease Termination Agreement absent prior Commission approval pursuant to section 15, Shipping Act, 1916;

It is further ordered, that PRMSA and the Port show cause why the Commission should not find their present and previous arrangements for PRMSA's use and operation of the Isla Grande Marine Terminal, San Juan, Puerto Rico, to be subject to section 15, Shipping Act, 1916;

It is further ordered, that PRMSA and the Port show cause why the Commission should not find them to be or to have been in violation of section 15, Shipping Act, 1916, as a result of their having implemented or continuing implementation of their present and previous arrangements for PRMSA's use and operation of the Isla Grande Marine Termination, San Juan, Puerto Rico absent prior Commission approval pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, that PRMSA and the Port show cause why they should not immediately be ordered to cease and desist from implementing their present arrangements for PRMSA's use and operation of the Isla Grande Marine Termination, San Juan, Puerto Rico until said arrangements have been filed in complete form with and acted upon by the Commission pursuant to section 15, Shipping Act, 1916;

It is further ordered, that the Port show cause why the Commission should not find it in violation of section 16, First, Shipping Act, 1916, for having granted PRMSA an undue or unreasonable preference or advantage by not having conditioned such use of the Facility on PRMSA operating its container cranes located at the Facility for other carriers, including Seatrain Gitmo, on a noninterference basis when so requested by the Port;

It is further ordered, that PRMSA show cause why the Commission should not find it in violation of section 16 First, Shipping Act, 1916, for subjecting other carriers, including Seatrain Gitmo, to an undue or unreasonable prejudice or disadvantage through its failure to operate the container cranes located on the Facility for said carriers on a noninterference basis;

It is further ordered, that this proceeding be limited to submission of affidavits of fact and memoranda of law, and replies thereto. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts

to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before August 11, 1976. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business July 26, 1976.

Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business August 9, 1976.

It is further ordered, that a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon the respondents;

It is further ordered, that persons other than those already party to this proceeding who desire to become parties and participate herein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business July 23, 1976; and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20601 Filed 7-15-76;8:45 am]

HOLT HAULING AND WAREHOUSING SYSTEM, INC. ET AL.

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Amy Loeserman Klein, Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Agreement No. T-3323, between Holt Hauling and Warehousing System, Inc., (Holt), Pierpoint Management Company (Pierpoint) and Retla Steamship Company (Retla); is a renewable seven-year lease agreement and related security agreement. Agreement No. T-3323 provides for the construction and improvement of a premises in Gloucester City, New Jersey, by Holt with funds from a loan obtained from Pierpoint and Retla according to terms and conditions set forth in the Agreement. The premises are to be used by Pierpoint as a public facility and marine terminal for the loading and discharging of vessels. As compensation, Pierpoint shall pay as rental base rental with a guaranteed minimum of $300,000 per lease year and overage rental as set forth in Agreement.

By Order of the Federal Maritime Commission.

Dated: July 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20598 Filed 7-15-76;8:45 am]

NORTH EUROPE U.S. PACIFIC FREIGHT CONFERENCE

Modification of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 9, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Nolan, Esquire,
Graham & James,
One Maritime Plaza,
San Francisco, California 94111.

Agreement No. 93-14, among the members of the above conference: (1) adds intermodal traffic from the Republic of Ireland to the scope of the agreement, (2) adds port area points on the Pacific Coast of the United States to the scope of the Agreement and (3) requires any common carrier who is a conference member or who becomes one to transport a minimum of 1500 weight tons in any three month period to remain a member.

By Order of the Federal Maritime Commission.

Dated: July 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20597 Filed 7-15-76;8:45 am]

PRUDENTIAL LINES, INC. AND LYKES STEAMSHIP CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 9, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leslie Alan Glick, Esquire,
Bowman & Conner,
1055 Thomas Jefferson Street, NW.,
Washington, D.C. 20007.

Agreement No. 10249 is an agreement between Prudential Lines, Inc. (PLI), on the one hand, and Lykes Bros. Steamship Co., Inc. (LYKES), on the other, whereby PLI agrees to limit its application before the Maritime Administration to expand its subsidized service outbound from United States South Atlantic ports to ports on the coast of North Africa to a maximum of 18 sailings annually and Lykes agrees to withdraw its protest to PLI's application, subject to its being so amended and subject to approval of this Agreement.

By Order of the Federal Maritime Commission.

Dated: July 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20596 Filed 7-15-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1526]

SEAWAYS FORWARDING CO., INC.

Order of Revocation

By letter dated May 26, 1976, Mr. Andre Marsella, President, Seaways Forwarding Co., Inc., 305 South Street, Newark, New Jersey 07114, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1526 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 24, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Seaways Forwarding Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1526 issued to Seaways Forwarding Co., Inc., be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1526 be and is hereby revoked effective June 24, 1976.

It is further ordered, that a copy of this Order by published in the FEDERAL REGISTER and served upon Seaways Forwarding Company, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-20600 Filed 7-15-76;8:45 am]

TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG) ET AL. AND NEW YORK FREIGHT BUREAU ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 9, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement 10251 would permit the Trans-Pacific Freight Conference (Hong Kong) and various of its non-conference competitors party to Agreement 10107, and the New York Freight Bureau and various of its non-conference competitors party to Agreement 10108, jointly, to "* * * discuss the rates to be charged for the transportation of cargo, including the rules and regulations governing such rates, as well as such other matters of mutual interest * * * permitted under (Agreements 10107 and 10108) * * * from all ports of origin which shall * * * be common to the scope of Agreements Nos. 10107 and 10108;". Further, "* * * joint action taken hereunder shall be determined only by a concurrence of the parties to Agreement No. 10107, acting as a group, and the parties to Agreement No. 10108, acting as a group, each in accordance with the procedures * * * prescribed by its respective Agreement * * * Nothing herein shall preclude either the parties to Agreement No. 10107 or the parties to Agreement No. 10108 from taking any action without the concurrence of the other."

By Order of the Federal Maritime Commission.

Dated: July 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20599 Filed 7-15-76;8:45 am]

FEDERAL RESERVE SYSTEM

COLONIAL BANCORP, INC.

Acquisition of Bank

Colonial Bancorp, Inc., Waterbury, Connecticut, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(3) to acquire 100 per cent of the voting shares of The Plainville Trust Company, Plainville, Connecticut. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writinp to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1976.

Board of Governors of the Federal Reserve System, July 12, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20545 Filed 7-15-76;8:45 am]

COLONIAL BANCORP, INC.

Acquisition of Bank

Colonial Bancorp, Inc., Waterbury, Connecticut, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Constitution Bank and Trust Company, Hartford, Connecticut. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1976.

Board of Governors of the Federal Reserve System, July 12, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20546 Filed 7-15-76;8:45 am]

COLUMBIA HOLDING CORP.

Order Denying Formation of Bank Holding Company

Columbia Holding Corp., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of Columbia National Bank of Chicago, Chicago, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank ($55.2 million in deposits.[1] Bank ranks 154th among the banking organizations in Illinois and holds approximately .1 percent of the total deposits held by commercial banks in the State. Bank, located approximately 10 miles northwest of downtown Chicago, is the 101st largest of the 292 commercial banks operating in the Chicago banking market[2] (the relevant banking market) with approximately .13 percent of market deposits. Inasmuch as the subject proposal represents a restructuring of existing ownership interests in Bank and since Applicant has no present subsidiaries, consummation of the proposal herein would have no adverse effects on existing or potential competition.

Principals of Applicant are also principals in Mid-Town Bank of Chicago, Chicago, Illinois ("Mid-Town Bank"). Mid-Town Bank (deposits of $6.4 million) ranks as the 273rd largest bank in the relevant banking market with .02 percent of total market deposits. In view of the relatively small size of the two banks, the fact that their offices are six miles apart, and the large number of competitors in the market, it appears that there is no significant competition between Mid-Town Bank and Bank. Accordingly, based on the foregoing and other facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on a number of occasions that it believes that a holding company should serve as a source of financial and managerial strength to its subsidiary bank(s) and that the Board will closely examine the condition of an applicant in each case with this consideration in mind. While the Board considers the managerial resources of Applicant and Bank as satisfactory, the Board is concerned with the high level of debt that will result in connection with the consummation of this proposal. Applicant proposes to incur a debt of $3.0 million[3] that Applicant intends to service over a twelve-year period primarily through dividends from Bank and through tax savings resulting from filing consolidated tax returns. Based on the facts or record, the Board is unable to conclude that the proposal would provide Applicant with the necessary financial flexibility to service its debt while maintaining adequate capital levels at Bank. In this connection, it is noted that Bank's capital is marginally acceptable at the present time, and this position has been attained through the retention of 100 percent of Bank's earnings since it opened for business in 1964. Even though Applicant contemplates providing Bank with $300,000 in equity capital upon consummation of the proposal, Bank's capital would remain only marginally acceptable throughout the debt retirement period, assuming Applicant's projections are accurate, as a result of the sizeable dividends that will be taken from Bank in order to service Applicant's debt.

The Board is also concerned about the narrow margin for error in Applicant's projections, since a deviation from those estimates in the future would further weaken Bank's capital and lessen Applicant's ability to serve as a source of financial strength. Applicant has projected that Bank's earnings, as a percentage of assets, would equal 1.05 per cent. However, only in 1975 did Bank's earnings exceed this figure and for each of the four previous years Bank earned between .3 and .9 per cent on its assets. Thus, Bank does not have a proven record of earnings to support Applicant's somewhat optimistic projections. Similarly, Applicant's projections in regard to Bank's asset growth are not supported by Bank's actual growth experience.

Furthermore, as indicated in footnote 3 *supra*, the instant proposal contemplates a transaction whereby the debenture holders of Bank will be exchanging debentures aggregating $600,000, bearing interest at 5.5 and 7.0 per cent, respectively, for approximately $1.1 million in Applicant's debentures, bearing interest at 10 per cent. As a consequence of this proposal, Bank's debenture holders will receive approximately $110,000 in interest annually on Applicant's debentures whereas they presently receive $37,500 in interest on Bank's debentures. The Board considers this additional financial burden on Applicant to be further evidence that Applicant's proposal does not permit Applicant to be a source of financial strength to Bank. Accordingly, the Board is of the view that Applicant's proposal, as presently structured, does not provide Applicant with the financial flexibility necessary to service its debt, maintain Bank's capital at acceptable levels, and to provide for any unforeseen problems that might arise at Bank. Therefore, the Board views the debt to be incurred by Applicant as a significantly adverse factor in the consideration of this proposal and finds that the considerations relating to financial resources and future prospects weigh against approval of the application.

The proposed formation represents merely a restructuring of the ownership of Bank with no changes in Bank's operations or the services offered to customers. Thus, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied for the reasons summarized above.

By order of the Board of Governors,[4] effective July 9, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20547 Filed 7-15-76;8:45 am]

[1] All banking data are as of June 30, 1975.

[2] The Chicago banking market is approximated by Cook County, DuPage County and portions of Lake County.

[3] Applicant propose to exchange its shares of stock and $2.7 million of its 10 percent debentures for all of the stock of Bank and $600 thousand of Bank's debentures ($300 thousand of which bears interest at 5.5 percent, and the remainder of which bears interest at 7 percent). Bank's debentures would be converted to equity capital in connection with this exchange. Applicant also proposes to borrow an additional $300 thousand to supplement Bank's equity capital.

FIRST MISSOURI BANKS, INC.

Order Approving Acquisition of First Missouri Insurance Group

First Missouri Banks, Inc., Creve Coeur, Missouri (formerly First Banc Group, Inc.), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire all of the voting shares of First Missouri Insurance Group ("Company"), Phoenix, Arizona, a company that would engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health (disability) insurance directly related to extensions of credit by Applicant's subsidiary banks. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 20929 (1976)). The

[4] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the nineteenth largest banking organization in Missouri, controls six subsidiary banks with aggregate deposits of approximately $108 million, representing about 0.7 per cent of the total deposits in commercial banks in the State.[1] Applicant also engages, through nonbank subsidiaries, in data processing and insurance agency activities.

Company will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary banks. Company will be formed as an Arizona insurance corporation and will be qualified to underwrite insurance directly only in Arizona. Accordingly, the insurance sold by Applicant's subsidiary banks will be directly underwritten by an unaffiliated insurance company qualified to do business in Missouri, and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a de novo acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. [12 CFR 225.4(a)(10) n. 7]

Applicant has stated that following consummation of the acquisition, Company will offer at reduced premiums the several types of credit insurance policies that it will reinsure. Company will offer credit life insurance at premium rates 15 per cent below those presently being charged by Applicant's banking subsidiaries. Applicant also proposes that Company will offer credit accident and health insurance at premium rates which are at least 5 per cent below those presently being charged by Applicant's banking subsidiaries. The Board is of the view that the reductions in insurance premiums that Applicant proposes to establish are, and will continue to be, in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis.

By order of the Board of Governors,[2] effective July 12, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20549 Filed 7-15-76;8:45 am]

[1] All banking data are as of December 31, 1975.

FIRST NATIONAL CINCINNATI CORP.

Acquisition of Banks

First National Cincinnati Corporation, Cincinnati, Ohio, has applied in two separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successors by acquisition to (1) The First National Bank of Ironton, Ironton, Ohio, and (2) The First National Bank & Trust Company, Troy, Ohio. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 2, 1976.

Board of Governors of the Federal Reserve System, July 9, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20548 Filed 7-15-76;8:45 am]

[2] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Partee and Lilly. Absent and not voting: Chairman Burns and Governors Wallich and Jackson.

INTERNATIONAL TRADE COMMISSION

[337-TA-27]

CHICORY ROOT: CRUDE AND PREPARED

Investigation

A complaint was filed with the United States International Trade Commission on June 11, 1976, under section 337 of the Tariff Act of 1930, as amended, on behalf of R. E. Schanzer Corporation, 602-16 South Peters Street, New Orleans, Louisiana 70130 (complainant), alleging that there exist unfair methods of competition and unfair acts in the importation of crude and/or prepared chicory root into the United States, or in its sale, by reason of (1) a combination or conspiracy or an attempt to restrain or monopolize trade and commerce in the United States; (2) a systematic effort to import or sell prepared chicory root at less than market or wholesale prices in other countries; (3) a discrimination in prices between purchasers or a discrimination in prices against complainant; (4) a systematic effort to form joint ventures and acquire direct or indirect control of complainant; (5) a systematic effort to sell prepared chicory at less than its fair value or below its cost of production; and (6) a refusal to deal. Complainant further alleges that the effect or tendency of one or more of the alleged unfair methods of competition and unfair acts is to destroy or substantially injure an efficiently and economically operated U.S. chicory root processing industry; to restrain or monopolize trade and commerce in the United States pertaining to the processing and sale of crude or prepared chicory root; or to prevent the establishment of a U.S. crude chicory industry. The complainant requests that the Commission issue both a temporary and a permanent exclusion order against the offending prepared chicory root or that it issue a cease and desist order to each person involved in the unfair methods or acts complained of. In addition, the complainant requests that the Commission expedite its investigation and grant immediate relief in the form of a temporary exclusion order no later than August 15, 1976.

Having considered the complaint, the United States International Trade Commission on July 8, 1976, Ordered—

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether, on the basis of the allegations set forth in the complaint, there is a violation of this section by reason of unfair methods of competition and unfair acts in the importation of the aforementioned crude or prepared chicory root into the United States, or in its sale.

2. That, for the purpose of the investigation so instituted,

Alain Leroux,
Orchies (Nord), France.
Chicoree Leroux,
Orchies (Nord), France.

Cichorei De Beukelaar,
Leysstraat 24–26,
B–2000 Antwerp, Belgium.
Rolimpex,
Foreign Trade Enterprise,
Al. Jerozolimskmie 44,
00–024 Warsaw, Poland.

which are alleged to have engaged in or to be engaging in the unfair methods of competition and unfair acts complained of, are hereby named as respondents upon whom the complaint and this notice are to be served.

3. That, for the purposes of the investigation so instituted, Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as Presiding Officer.

4. That, for purposes of the investigation so instituted, Charles F. Schill, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with § 210.21 of the Commission's rules of practice and procedure, as amended (41 FR 17710, Apr. 27, 1976) (Rules). Such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint pursuant to § 201.16(d) of the rules.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of a respondent to file a response within the time provided to each of the allegations which are the subject to this investigation as set forth in this notice, taking into consideration the applicable detail of the allegations in the complaint, may be deemed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to the respondent, to find the facts to be as alleged and to enter an order containing such findings.

5. That, for the purposes of this investigation, notice is hereby given that a hearing on temporary relief will be held on August 11, 1976, at 9:30 a.m. in the Commission Hearing Room (No. 331), 701 E Street NW., Washington, D.C. 20436. The Commission's Presiding Officer shall issue a recommended determination by August 16, 1976, and the Commission shortens to four (4) days the period to be allowed for filing exceptions to the recommended determination and alternative findings of fact and conclusions of law under § 210.54 of the Commission's rules. The Commission shall issue its determination by August 25, 1976.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C. and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: July 13, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76–20609 Filed 7–15–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–66]

AMES RESEARCH CENTER

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement (EIS) for the National Aeronautics and Space Administration (NASA) Ames Research Center, Moffett Field, California.

The first environmental impact statement for the NASA Ames Research Center was prepared in draft, circulated for comments, and published as a final EIS in 1971. Since that time, a number of minor construction and modification actions and changes in activities have taken place and, although no one of these was deemed to require preparation of an amendment to the original EIS, the overall changes tend to make the 1971 EIS obsolete. The present draft has therefore been prepared to supersede the 1971 EIS, and is being issued at this time.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, DC 20546. All comments must be received by September 1, 1976, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A–213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E–105), Wallops Island, VA 23337.

Done at Washington, DC, this 8th day of July 1976.

By the direction of the Administration.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.76–20574 Filed 7–15–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12613; File No. SR–PSE–76–21]

PACIFIC STOCK EXCHANGE INC.

Expansion of Trading Call Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 21, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") hereby requests permission to expand by ten the number of underlying listed stocks on which it may approve trading in call options. The accomplishment of such a proposed change in current PSE procedures would expand to a total of thirty the current number of call options which PSE is presently authorized to trade. Although PSE seeks to expand the number of underlying stocks in which it would be authorized to trade call options, these underlying securities would be fully listed on a national securities exchange and would meet the S–7 standards as well as the requirements set forth in the Options Clearing Corporation's agreements with the participating exchanges.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to permit a modest expansion in PSE's program of trading call options.

The proposed rule change will enable PSE to increase from twenty to thirty the number of underlying stocks on PSE call options. PSE believes it consistent with the protection of investors and the public interest that it be permitted to expand the number of call options it trades. PSE is presently trading call options in nineteen of the twenty underlying stocks for which it has authorization, and the twentieth underlying stock is reserved for a security expected to be listed in the near future. Accordingly, further progress in PSE's effort to establish a viable regional options trading facility necessitates the proposed increase

in the number of classes of call options traded on PSE.

PSE believes that the experience it has gained in its current options trading program, as well as the capabilities it has developed in the areas of data collection, communications systems and surveillance procedures are more than sufficient to accommodate the increased volume of trading which would result from the approval of ten additional call options classes. Furthermore, with respect to PSE's physical facilities, expansion is now in progress and is projected to result in an increase in trading posts and floor capacity by 25% in early July.

PSE believes that the granting of this request to expand the number of options classes traded on its floor will contribute to its growth as a viable competitive options trading facility and will permit it to utilize its present and near-term capacity while completing its longer-term plans for future expansion in the number as well as the types of options contracts traded.

Comments were not, and are not intended to be, solicited with respect to the proposed rule change.

The proposed rule change will not impose any burden on competition. Rather, it will encourage competition by contributing to PSE's viability as a competitive options trading facility.

Within fifty (50) days of the date of publication of this notice (September 6, 1976), or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 25, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JULY 9, 1976.

[FR Doc.76-20533 Filed 7-15-76;8:45 am]

[Release No. 9348; 812-3955]

READY RESERVES TRUST

Distribution of Long-Term Capital Gains; Application for Exemption

Notice is hereby given that Ready Reserves Trust ("Applicant"), 100 Federal Street, Boston, Massachusetts 02110, an open-end, diversified management company registered under the Investment Company Act of 1940 ("Act") filed an application on May 17, 1976 pursuant to Section 6(c) of the Act for exemption from the provisions of Rule 19b-1 under the Act limiting the distribution of long-term capital gains to not more than once annually. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a Massachusetts business trust organized to invest principally in "money market" securities and similar short-term debt instruments, including obligations issued or guaranteed by the Federal Government, its agencies or instrumentalities, repurchase agreements, corporate obligations, obligations of banks (including certificates of deposit and bankers' acceptances) and commercial paper. Applicant's investment objective is to obtain the maximum current income which is considered consistent with the preservation of capital.

Applicant's net income consists of (i) all interest income accrued on its portfolio assets, (ii) plus or minus all realized and unrealized gains and losses on the portfolio, and (iii) less all expenses and liabilities. Applicant intends to follow the practice of declaring its accumulated net income as a dividend daily and paying it monthly, thereby enabling each investor to receive on his investment the exact proportion of the net income earned on his shares each day that he remains a shareholder of the Applicant.

Rule 19b-1 under Section 19(b) of the Act prohibits the distribution by a registered investment company of more than one capital gain dividend in any one taxable year of the company. Applicant points to Investment Company Act Release No. 6834 announcing the adoption of Rule 19b-1, wherein, it asserts, the indicated principal purposes of Rule 19b-1 are: (1) to prevent shareholders from confusing dividends of interest income with distributions of capital gains; (2) to relieve investment company managers from pressure to realize such gains; (3) to mitigate improper sales practices related to the distribution of such gains; and (4) to eliminate the administrative expenses relating to quarterly or semi-annual capital gains distribution.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that an exemption from Rule 19b-1 would be appropriate in the case of its operations because the purposes of the rule would not be violated by a fund such as the Applicant. Applicant's stated investment objective is to seek the maximum current income which is considered consistent with the preservation of capital. Applicant disclaims any intention of seeking long-term capital gains income, and represents that it will delineate precisely what portion of any distribution to shareholders comprises capital gains. Applicant also asserts that any increase in administrative expenses caused by the distribution of long-term capital gains income would be wholly insignificant to it, because it will undertake, regardless of its ability to distribute long-term capital gains income, to compute net income and declare dividends daily and make periodic reports to shareholders reflecting payments.

Finally, Applicant represents that, in order to maintain a constant net asset value, it will distribute any long-term capital gains income as it accrues (i.e. whether or not such income is realized), and therefore the realization of long-term capital gains income should be very infrequent. Thus, with regard to those infrequent occurrences when Applicant will need to distribute realized long-term capital gains income, Applicant wishes to be in a position to do so without applying for a separate exemption from Rule 19b-1 in each instance.

Notice is further given that any interested person may, not later than August 6, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed:

Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-20532 Filed 7-15-76;8:45 am]

[Release No. 34-12612]

BUNKER RAMO CORPORATION

Consolidated Tape; Compliance

The Securities and Exchange Commission today released the texts of correspondence between its staff and Bunker Ramo Corporation ("Bunker Ramo") concerning compliance by Bunker Ramo with rule 17a-15 [17 CFR § 240.17a-15] insofar as that rule requires, through the operation of plans declared effective pursuant to its provisions, that vendor interrogation systems display consolidated last sale information in accordance with specified requirements. The text of Bunker Ramo's letter to the staff and the staff's reply follow:

Mr. ANDREW M. KLEIN,
Associate Director,
Division of Market Regulation,
Securities and Exchange Commission,
500 North Capitol Street,
Washington, D.C. 20549.

DEAR MR. KLEIN: This letter is with reference to the exemption from the display requirements of Rule 17a-15 which, was granted to Bunker Ramo in Securities Exchange Act Release No. 12390, April 29, 1976.

With this letter, we wish to advise the Commission that all of the stock interrogation terminals for which the temporary exemptions were granted, are now in full compliance with the display requirements of Rule 17a-15. Thus, all Telequote III (TQIII) and Market Decision System 7 (MDS-7) terminals are capable of displaying the most recent last price for trades as they are reported by means of the high speed line of the Consolidated Tape.

In addition, the displays include the required market center identification for the most recent last price, as well as a representation of cumulative volume including the most recent trade.

The display of last sale reports as well as other displays, including various price monitoring services, are in accordance with the interpretative release of minimum display requirements which was issued in Securities Exchange Act Release No. 11317/March 28, 1975, and a description of the displays, and the method by which they may be accessed has been distributed to users of the TQIII and MDS-7 interrogation devices.

In view of the present fully compliant character of Bunker Ramo's interrogation terminals as regards Rule 17a-15, it should be noted that any qualifications as to their use by brokers and dealers, such as that which the Commission noted in Release No. 12390 with respect to their use in connection with prospective short sales, should now be removed.

We respectfully request that the Commission act to remove any restrictions on the use of either the TQIII or MDS-7 interrogation terminals as quickly as possible.

Very truly yours,

M. SUMNER,
Securities Industry Liaison.

Mr. MURRAY SUMNER,
Securities Industry Liaison,
Information Systems Division,
Bunker Ramo Corporation,
Trumbull Industrial Park,
Trumbull, Connecticut 06609.

DEAR MR. SUMNER: This is in response to your letter dated June 16, 1976, concerning compliance by Bunker Ramo Corporation ("Bunker Ramo") with the display requirements of Rule 17a-15 under the Securities Exchange Act of 1934 (the "Act"). In your letter you indicate that all Bunker Ramo interrogation devices are now in full compliance with the display requirements of Rule 17a-15, and are capable of displaying the most recent last sale as reported in the consolidated transaction reporting system, accompanied by a market identifier and a representation of cumulative volume. You further request that any qualification as to the use of Bunker Ramo interrogation devices by brokers and dealers, such as that with respect to their use in connection with prospective short sales, should now be removed.

We appreciate your advising us of Bunker Ramo's status, and are pleased to hear that Bunker Ramo is now in full compliance with the display requirements of Rule 17a-15, thus enabling Bunker Ramo's interrogation devices to be used for purposes of complying with the "tick" test requirements of paragraphs (a)(1) or (e)(5) of Rule 10a-1 under the Act, as amended on June 12, 1975.

Sincerely yours,

ANDREW M. KLEIN,
Associate Director.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 9, 1976.

[FR Doc.76-20516 Filed 7-15-76;8:45 am]

[Release No. 34-12591;
File No. SR-Amex-76-16]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend certain provisions of its Rules to implement the revision of its ex-dividend procedure.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed Rule changes is to implement a revised procedure for the proportional reduction of open orders on the occasion of a stock dividend or stock distribution and the application of such procedure to the reduction of the price limits of all open orders on the specialist book, including open orders to sell and open stop orders to buy, without any adjustments in the size of such orders.

The proposed amendments are being adopted for the protection of investors in accordance with the provisions of Section 6(b)(5) of the Securities Exchange Act of 1934 as amended. The proportional reduction in the price limit of all open orders would tend to maintain the same price relationship between the limit price of an investor's original order and the market price of the security as existed prior to the stock dividend or distribution. Moreover, it is believed that the reduction of all open orders will have the effect of improving the liquidity and depth of the market following a stock dividend or distribution since open sell orders would be reduced to a price reasonably related to the new market price of the security. The Amex is of the opinion that the best means of protecting unexecuted investor limit price orders on the occasion of a stock dividend or stock distribution is to promote timely communications between the investor and his broker. In this connection, the Exchange intends to issue a notice to members and member firms in advance of the "ex-dividend" date calling attention to the terms of the dividend and the manner in which orders will be adjusted. This notice would suggest that members contact their customers having open orders in the security to obtain instructions as to whether the customer wishes to adjust his order in a manner differing from the established procedure.

The Amex has informally discussed the proposed Rule changes with several persons knowledgeable with both Floor and office procedures including operations personnel of member firms. The verbal comments received were generally favorable to the procedures embodied in the proposed Rule amendments.

The Amex has determined that the proposed amendments to Rules 132, 154 and 205 will not impose any burden on competition.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before August 6, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 2, 1976.

EXHIBIT A

Text of Proposed Rule Change

(a) The American Stock Exchange, Inc. ("Amex") proposes to amend certain provisions of its Rules as described below. (Brackets [ ] indicate words to be deleted and italics indicate words to be added.)

* * * * *

Rule 132 [Open Orders on "Ex-Dividend" Date]

[The limit on open orders to buy and on open stop orders to sell shall be reduced by the amount of the dividend on the day a stock sells "ex-dividend" on the Exchange but open stop orders to buy and open orders to sell shall not be so reduced.]

Price Adjustment of Open Orders on "Ex-Date"

Rule 132(a) When a security is quoted ex-dividend, ex-distribution, ex-rights or ex-interests, all open orders to buy and open stop orders to sell shall be reduced by the cash value of the payment or rights, except where the security is quoted "ex" a stock dividend or stock distribution in which case the provisions of paragraph (b) below shall apply.

(b) When a security is quoted "ex" a stock dividend or stock distribution, all open orders, including open orders to sell and open stop orders to buy, shall be reduced by the proportional value of the dividend.

Commentary

.01 Reduction of Orders—Odd Amounts

When the amount of a cash dividend is not equivalent to or is not a multiple of the fraction of a dollar in which bids and offers are made in the particular stock, orders shall be reduced by the next higher variation. For example, when the variation in trading is ⅛, orders must be reduced by ⅜ for a dividend of 30¢ per share, and by 1⅛ for a dividend of $1.06¼ per share.

.02 Reduction of Orders—Optional Amounts

When a dividend is payable at the option of the stockholder either in cash or securities, the stock will be quoted ex-dividend the value of the cash or securities, whichever is greater.

.03 Reduction of Orders—Proportional Procedure

All open orders shall be reduced by the proportional value of a stock dividend or stock distribution on the day a security sells ex-dividend or ex-distribution. The new price of the order is determined by dividing the price of the original order by 100% plus the percentage value of the stock dividend or stock distribution. For example, in a stock dividend of 3%, the price of an order would be divided by 103%.

The chart below lists, for the more frequent stock distributions, the percentages by which the prices of all open orders shall be divided to determine the new order prices.

Distribution	*Price of order divided by*
5-for-4	*125 percent*
4-for-3	*133⅓ percent*
3-for-2	*150 percent*
5-for-3	*166⅔ percent*
2-for-1	*200 percent*
5-for-2	*250 percent*
3-for-1	*300 percent*
4-for-1	*400 percent*

If as a result of this calculation, the price is not equivalent to or is not a multiple of the fraction of a dollar in which bids and offers are made in the particular security, the price should be rounded to the next lower variation. For example, when a calculation results in a price of $14.27, the price of an order is rounded down to 14¼; a calculation resulting in $14.47 is rounded down to 14⅜.

In reverse splits, all open orders (including open sell orders and open stop orders to buy) shall be cancelled.

Commentary .12 to Rule 154

[An open limited price order to buy, and an open stop limit order to sell, one or more round lots held by a specialist and an open limited price order to buy and an open stop or stop limit order to sell one or more odd lots held by an odd-lot dealer prior to the day a stock sells ex-dividend, ex-distribution or ex-rights must be reduced by the specialist by the value of the dividend, distribution or rights, unless, in the case of an ordinary cash dividend, the order is marked "do not reduce" or unless he is otherwise instructed by the member or member organization that entrusted the order to him. All such reductions by a specialist shall be made without any adjustment in the number of shares covered by the order.]

.12 All open orders to buy or sell round lots held by a specialist and all open orders to buy or sell odd-lots held by an odd-lot dealer prior to the day a stock sells ex-dividend, ex-distribution or ex-rights, must be reduced by the specialist or odd-lot dealer in accordance with the provisions of Rule 132, unless in the case of an ordinary cash dividend, the order is marked "do not reduce" or unless otherwise instructed by the member or member organization that entrusted the order to him. All such reductions by the specialist or odd-lot dealer shall be made without any adjustment in the number of shares covered by the order.

Commentary .03 to Rule 205

[.03 Orders to Be Reduced on Ex-Date—Open buy limited orders and open stop orders to sell held by an odd-lot dealer prior to the day a stock sells ex-dividend, ex-distribution or ex-rights must be reduced by the odd-lot dealer by the value of the dividend, distribution, or rights, unless he is otherwise instructed by the member or member organization from whom the orders were received; provided, however, that if the amount of a stock dividend is 20% or more, the order shall be returned for instruction.]

[FR Doc.76-20515 Filed 7-15-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Funding of HEP and CAMP Projects

On June 1, 1976, the President signed the second supplemental appropriation for the Department of Labor. The conference report which accompanied that act instructed the Department of Labor to continue direct funding of HEP and CAMP until the Congress has had an opportunity to act on the Labor-HEW appropriation for Fiscal Year 1977. The next program year for HEP and CAMP projects will be September 1, 1976 to August 31, 1977. The Department has decided to fund these projects for another program year. Funds for these programs will be provided under title III, section 303 of the Comprehensive Employment and Training Act (CETA) of 1973 as amended. HEP and CAMP projects have been notified in writing of the decision to continue direct funding and instructed to submit the documents required to receive additional funds.

Signed at Washington, D.C., this 12th day of July, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-20626 Filed 7-15-76;8:45 am]

IDAHO

Ending of Federal Supplemental Benefit Period for Emergency Unemployment Compensation

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Idaho, effective July 17, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Idaho on January 11, 1976.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks.

The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Idaho has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 26, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Idaho for the week ending on June 26, 1976, and that the Federal Supplemental Benefit Period in that State terminates on July 17, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Idaho Department of Employment of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Idaho should contact the nearest Employment Office of the Idaho Department of Employment in their locality.

Signed at Washington, D.C., on July 12, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–20624 Filed 7–15–76;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, 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 within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 12th day of July 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending July 9, 1976

Name of applicant	Location of enterprise	Principal product or activity
Smugglers' Notch Corp	Jeffersonville, Vt	Operation of recreation resorts.
Hemisphere Oil Co	Yabucoa, Puerto Rico.	Manufacture o. industrial lube and motor lube oils.
Arroyo Pharmaceutical Corp	Arroyo, Puerto Rico	Manufacture of pharmaceutical products.
Elkins Lumber Co., Inc	Elkins, W. Va	Manufacture of dimension wood products and assembling office furniture.
Leonhart and Haynes, Inc	Parkersburg, W. Va	Car wash service.
Development Enterprises—Ceredo	Ceredo, W. Va	Lessors of property.
Olen Blankenship	Smoot, W. Va	Contract logging.
Carolina Peanuts of Robersonville, Inc	Robersonville, N.C	Processing of peanuts.
Heart of Georgia Peanut & Gin Co., Inc	Cochran, Ga	Agribusiness farm service center.
The 5 ¢ Co	Lucedale, Miss	Manufacture of audiovisual child development programs.
Southeastern Aircraft, Inc. (tenant to city of Louisville industrial air park) Louisville, Ga.	Louisville, Ga	Aerial applicating aircraft sales and maintenance.
East Coast Machine T Iron Works, Inc	Bridgeton, N.C	Machine shop and metal fabrication.
Carolina Apple Processors Cooperative Inc	Hendersonville, N.C	Manufacture of apple juice.
Houston Hospital, Inc	Houston, Miss	Physicians' and surgeons' laboratory and hospital.
The Hattie Larlham Foundation Inc	Mantua, Ohio	Medical care and development training hospital for children.
Kah & Co	Wapakoneta, Ohio	Custom slaughterhouse.
Flambeau Products Corp	Baraboo, Wis	Manufacture of toys, housewares, and recreational products for other manufacturers.
West Carroll Produce Association	Oak Grove, La	Packaging, handling, and selling of vegetables.
Herider Farms, Inc	Nacogdoches, Tex	Poultry processing plant.
Farmers Gin of Edmonson, Inc	Edmonson, Tex	Farm product warehousing.
Calvin Shenkir Jr	Temple, Tex	Rental and leasing of machinery, tools, and other equipment.

Name of applicant	Location of enterprise	Principal product or activity
Evans Bakery, Inc.	Vinita, Okla.	Frozen bakery products manufacturing plant.
Rozark Farmers, Inc.	Ellsinore, Mo.	Processing and storage of charcoal.
Landau Boat Co.	Lebanon, Mo.	Manufacture of boats.
Protection Industries, Inc. (tenant to city of Protection).	Protection, Kans.	Cake feeders and roll frames.
E. & J. Repair and Manufacturing (tenant to city of Glenfield).	Glenfield, N.D.	Manufacture of farm machinery and equipment.
Hiways 200 and 20 Stop (tenant to city of Glenfield).	Glenfield, N.D.	Service station, cafe, and carwash.
Group "Five" Television Inc.	Mitchell, S.D.	Television broadcasting and programing.
Big Thompson Milling and Elevator Co.	Loveland, Colo.	Processing, storage, and sales of grain.
Garshan Vintners and Manufacturers Corp.	Whitefish, Mont.	Production of wines.
Northern Seed Co., Inc.	Worland, Wyo.	Manufacture of livestock feed, seed, fertilizer, and chemicals.
Sittner Manufacturing Co., Inc.	Sheridan, Wyo.	Manufacture of cattle oilers.
Leeward Intermediate Care Facility	Waianae, Hawaii	Intermediate care facility.
Nordic Boats	Lake Havasu, Ariz.	Manufacture of fiberglass boats.
Rockford Building Supply, Inc.	Rockford, Idaho	Construction and sales of building supplies.

[FR Doc.76-20544 Filed 7-15-76;8:45 am]

Office of Employee Benefits Security

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:00 a.m. on Tuesday, August 3, 1976, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue, NW., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Designation of Alternates, Delegates or Proxies by Council Members.
2. Advisory Council Recommendations—Status Report.
3. Small Plans Impact Work Group Report.
4. Investment Work Group Report.
5. Minimum Standards Work Group Report.
6. Reporting, Disclosure and Record-keeping Work Group Report.
7. Surety Bond Experience.

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies on or before the close of business Monday, August 2, 1976 to Mr. James D. Hutchinson, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, Third Street and Constitution Avenue, NW., Room N4629, Washington, D.C. 20210.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, Third Street and Constitution Avenue, NW., Room N4629, Washington, D.C. 20210, or may call Area Code 202/523/8753.

Signed at Washington, D.C. this 12th day of July, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-20625 Filed 7-15-76;8:45 am]

[Prohibited Transaction Exemption 76-4]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting a Transaction Involving the Operating Engineers Journeyman and Apprentice Training Trust and R. E. Coulter Gradall Rental, Inc.

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act), relating to a proposed transaction involving the purchase by the Operating Engineers Journeyman and Apprentice Training Trust (the Plan) of two used excavating machines from R. E. Coulter Gradall Rental, Inc. (Coulter), a contributing employer and a party in interest with respect to the Plan.

BACKGROUND

On April 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 15482) of a request for exemption from the restrictions of section 406(a) of the Act concerning the purchase by the Plan of two excavating machines from Coulter. The notice set forth a summary of the facts and representations contained in the application, and referred interested persons to the application for a complete statement of the facts and representations of the Trustees. The notice also invited interested persons to submit comments on the requested exemption to the Department of Labor (the Department). One comment was received urging that the requested exemptions be granted and that plans should be able to purchase goods from a party in interest either pursuant to a class exemption or a statutory exemption under section 408(b)(2) of the Act. The application and documents (the application) submitted by the Trustees of the Plan in support of the requested exemption have been availble for public inspection at the Department in Washington, D.C. Based upon the application filed by the Trustees of the Plan and consideration of the public comment, the Department has decided to grant the requested exemption for the transaction described in such application.

Notice of the requested exemption, as published in the FEDERAL REGISTER, was given by publication in the April 1976 edition, Vol. XXIX-4, of the International Union of Operating Engineers Local Union No. 12 newspaper, *Engineers News-Record* which was distributed to all members of the Union on or about April 15, 1976. Copies of the notice of the requested exemption were mailed on May 4, 1976 to the employer associations which are signatories to the trust agreement creating the Plan.

GENERAL INFORMATION

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary with repect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act;

(2) The exemption contained herein does not extend to transactions prohibited under section 406(b) of the Act; and

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthemore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

EXEMPTION

Pursuant to section 408(a) of the Act and the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and based upon the facts and representations contained in the application for exemption submitted by the Trustees of the Plan and consideration of public comment, the Department finds that it is administratively feasible, in the interest of the Plan and its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan, to grant, and does hereby grant, an exemption, effective July 12, 1976, so that the restrictions of section 406(a) of the Act shall not apply to the purchase of the two excavating machines described in the notice pursuant to the terms, and conditions, and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the

material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 12th day of July 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-20552 Filed 7-15-76;8:45 am]

Office of Employee Benefits Security

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Univar Retirement Plan (Application No. D-237)

JULY 13, 1976.

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of sections 4975(c)(1)(A) through (E) of the Code. The pending exemption was requested in an application filed by Univar Corporation (Univar) and the trustees of the Univar Retirement Plan (the Plan) for the sale by the Plan of 128,751 shares of Univar common stock to Univar.

The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Summary of Representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of Univar and the trustees of the Plan.

The Plan is a retirement plan and currently owns 128,751 shares of Univar common stock which were acquired by the profit sharing plan of a predecessor of Univar. Subsequent to the enactment of the Act, Univar and the trustees of the Plan decided that the financial administration of the Plan should be performed by a professional trustee. Morgan Guaranty Trust Company (Morgan) has agreed to act as trustee. However, it is the policy of Morgan to limit the investments that it makes and administers as trustee to securities which satisfy its particular investment crietria. Morgan has informed the Plan that Univar common stock does not meet its investment criteria and that it will not accept these securities as part of the assets it is to administer as trustee of the Plan.

In order to comply with Morgan's investment criteria, the present trustees of the Plan propose to sell the shares of Univar common stock currently held by the Plan to Univar and to deliver the proceeds of the sale to Morgan as trustee of the Plan. The sale will not involve payment of commissions and the price will be the higher of (i) the closing price as reflected in the New York Stock Exchange Composite Tape on the trading day immediately preceding the publication in the FEDERAL REGISTER of the notification granting the requesting exemption, or (ii) the closing price on the trading day immediately preceding the day that the securities are sold to Univar. If no shares are traded on either day, the price used for that day will be the average of the highest bid and the lowest asked quotations for that day.

Applicants believe that any attempt to sell the 128,751 shares of Univar common stock in an open market transaction would have a significant depressing effect on the market price, with a resulting decrease in the amount which would be received by the Plan. Similarly, any block sale would have to be made at a discounted price. In this regard, Univar has obtained a report from the New York Stock Exchange describing the trading activity in Univar common stock on that exchange for the twelve months ended September 30, 1975. This report indicates that the average daily trading volume during such twelve month period was 2,297 shares.[1] The number of shares of Univar common stock available for trading has been relatively small because of the large number of shares held by present and former officers, directors, and key employees. As of August 8, 1975, Univar common stock held by such persons accounted for approximately 47.1% of the shares issued and outstanding. As of March 2, 1976, Univar was not aware of any significant changes in the percentage of holdings of such stock since August 8, 1975.

On March 5, 1976, the total issued and outstanding common stock of Univar was 6,578,835 shares. Of this total, the five trustees of the Plan in the aggregate were the beneficial owners, directly or indirectly, of 248,881 shares. None of these trustees is currently selling or has a present intent to sell Univar common stock. Four of the five trustees of the plan are also officers or employees of Univar, and one trustee is an officer of a wholly owned subsidiary.

Within seven days after this notice is published in the FEDERAL REGISTER, a notice will be posted on bulletin boards which are regularly reviewed by all Plan participants, which will set forth the nature of the pending exemption and inform the Plan participants of their right to submit comments. In addition, as soon as feasible after this notice is published in the FEDERAL REGISTER it will be mailed to each Plan participant and beneficiary. Each notification referred to above will include a copy of the notice of the pending exemption as published in the FEDERAL REGISTER. Copies of all such notifications will be forwarded to the Department and the Service at the time they are made available or distributed.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interest of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan; and

(4) The pending exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service are required to offer an opportuntity for a public hearing where a pending exemption relates to section 406(b) of the Act and section 4975(c)(1)(E) or (F) of the Code. Any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the

[1] Effective on the close of business February 26, 1976, Univar common stock was split three-for-one. The number of shares of common stock referred to in this notice, including the 128,751 shares currently owned by the Plan, takes this split into account. However, the daily trading volume figures used herein do not reflect the effect of the split.

Department on or before August 27, 1976 and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption.

All interested persons are also invited to submit written comments on the pending exemption contained herein. In order to receive consideration, such comments must be received by the Department on or before August 27, 1976.

All written comments and all requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. D-237. The application for exemption referred to herein, all such comments relating thereto, and, all requests for hearing will be available for public inspection at the Public Documents Room of the Office of Employee Benefits Security, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Pending Exemption. Based upon the application, hereinabove described, the Service and the Department have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722 whereby the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the taxes imposed under sections 4975(a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale to Univar by the Plan of 128,751 shares of common stock of Univar currently owned by the Plan, pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this ____ day of __, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.
DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-20707 Filed 7-14-76;10:34 am]

Office of the Secretary

[TA-W-777]

ALLIS-CHALMERS CORP.

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-777: 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 2, 1976 in response to a worker petition received on April 2, 1976 which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing power transformers at the Power Transformer Division of the Allis-Chalmers Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17028). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Allis-Chalmers Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of 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 of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Power Transformer Division of the Allis-Chalmers Corporation declined 18.4 percent in 1975 compared to 1974. Employment declined in the second, third and fourth quarters of 1975 compared to the like quarters in 1974. Employment also declined in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in quantity, declined 19.1 percent in 1975 compared to 1974. Production declined in the second, third, and fourth quarters of 1975 compared to the like quarters in 1974. Production also declined in the first quarter of 1976 compared to the first quarter of 1975.

INCREASED IMPORTS

Imports of power transformers declined absolutely and relatively in 1972 compared to 1971 before increasing both absolutely and relatively in 1973 compared to 1972. During 1974 imports declined absolutely compared to 1973, while U.S. shipment and U.S. consumption increased causing a decline in both the import to shipments and import to consumption ratios from the previous year. In 1975, U.S. imports increased substantially thus causing an increase in the import to shipments and import to consumption ratios from 7.2 and 7.3 percent, respectively, in 1974 to 8.8 and 8.9 percent, respectively in 1975.

CONTRIBUTED IMPORTANTLY

Beginning in 1976, no new orders for the production of power transformers (10,000 KVA and larger) have been taken by Allis-Chalmers for manufacture at the West Allis, Wisconsin plant. Production and employment have declined at the Power Transformer Division of the West Allis, Wisconsin, plant of the Allis-Chalmers Corporation, Milwaukee, Wisconsin because of increased import competition. Allis-Chalmers plans to be a licensed distributor of power transformers (10,000 KVA and larger) for an offshore manufacturer. Domestic customers of Allis-Chalmers Corporation will continue to purchase power transformers from Allis-Chalmers but such transformers will be manufactured offshore. Officials of Allis-Chalmers indicated that the decision to phase out domestic production in favor of becoming the licensed distributor for an offshore producer was the result of increased import competition. In addition, management's decision to phase-out domestic manufacturing operations in favor of a licensing arrangement threatens to cause separations of workers currently employed at the West Allis, Wisconsin plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transformers produced by the Allis-Chalmers Corporation contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of power transformers at the Power Transformer Division of the Allis-Chalmers Corporation, West Allis, Wisconsin who become totally or partially separated from employment on or after March 22, 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 28th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20641 Filed 7-15-76;8:45 am]

[TA-W-647]

AMPCO-PITTSBURGH CORP.

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-847: 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 pipe thread protectors and pipe thread nipples for AMPCO-Pittsburgh Corporation, Wyckoff Steel Division, Monaca Plant, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20941). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of AMPCO-Pittsburgh Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether either 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 pipe thread protectors and pipe thread nipples are negligible. Customers of pipe thread nipples and pipe thread protectors produced by the Monaca plant do not purchase imports of such products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that pipe thread protectors and pipe thread nipples like or directly competitive with those produced by the AMPCO-Pittsburgh Corporation, Wyckoff Steel Division, Monaca Plant, Pittsburgh, Pennsylvania 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 30th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20648 Filed 7-15-76;8:45 am]

[TA-W-650]

BELMONT MANUFACTURING CORP.

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-650: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing boys' sportcoats and suit coats, men's leisure suits and women's coats and jackets at the New Bedford, Massachusetts plant of Belmont Manufacturing Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11638). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Belmont Mfg. Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the second criterion has been met, the first, third and fourth criteria have not been met for the different articles produced in the most recent three years at Belmont Manufacturing Corporation.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 19 percent in 1974 compared to 1973 and declined 22 percent in 1975 compared to 1974. Employment increased 76 percent in the fourth quarter of 1975 compared to the same quarter of the previous year, and increased 1240 percent in January, 1976 compared to the same month of the prior year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production and sales are the same, since the clothing is produced to order on a contract basis. Belmont produced a variety of product lines under contract to apparel manufacturers. Boys' sportcoats and suit coats were produced beginning in February, 1973 and ceasing in August, 1974. Men's leisure suits were produced under contract from September, 1974 through November, 1974. Women's knit coats were produced for one month only in March, 1975, and women's woven coats and jackets were produced beginning in May, 1975 and ceasing in October, 1975. Another contract for leisure suits caused production to commence in November, 1975 and to continue at increasing levels to the present.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased both absolutely and relatively in each year from 1971 to 1973. Imports decreased absolutely from 1973 to 1974. The ratios of imports of men's and boys' dress coats and sportcoats to domestic production and consumption increased from 19.2 percent and 16.2 percent, respectively, in 1973 to 21.2 percent and 17.5 percent, respectively, in 1974.

Imports of men's and boys' tailored suits increased absolutely and relatively in each year from 1971 through 1974. The ratios of imports to domestic production and consumption increased from 10.1 percent and 9.2 percent, respectively, in 1973 to 12.2 percent and 10.9 percent, respectively, in 1974.

Imports of women's, misses', juniors', girls', children's and infants' knit coats and jackets declined absolutely and relatively in each year from 1971 through 1973. Imports increased absolutely and relatively from 1973 to 1974, and then decreased absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 3.0 percent and 2.9 percent, respectively, in 1974 to 2.0 percent and 2.0 percent, respectively, in 1975.

Imports of women's woven coats and jackets declined relatively in each year

from 1971 to 1973, declined absolutely and relatively from 1973 to 1974 and declined relatively from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 37.4 percent and 27.2 percent, respectively, in 1974 to 29.6 percent and 22.8 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Belmont produced boys' sportcoats and suit coats from 1973 through August, 1974. The manufacturer for whom Belmont produced sportcoats terminated the contract due to declining demand from their customers. Retail customers of Belmont's manufacturer did not switch to imports in 1974. Those customers who reduced purchases from the manufacturer in 1974 switched to other domestic manufacturers in order to obtain a wider variety of styles not produced by Belmont at that time.

Belmont produced men's leisure suits from September, 1974 through November, 1974. All workers who produced men's leisure suits were laid off on or before February 24, 1975, more than one year before the date of the petition. Section 223(b)(1) states in substance that a certification issued under this section shall not apply to any workers whose last total or partial separation occurred more than one year from the date of the petition.

Belmont produced women's knit coats for one month in March, 1975. Belmont was allotted this contract in order to expedite completion of one manufacturer's unfinished orders of women's knit coats for Spring of 1975.

Belmont produced women's knit coats and jackets from May through October, 1975 for two manufacturers. Belmont terminated the first contract in September, 1975. The manufacturer had completed orders for women's lined coats for Winter and was ready to start producing unlined women's coats for Spring. Belmont's equipment is designed for the production of lined coats. Production of unlined coats would result in an underutilization of the company's equipment.

Belmont then produced women's suede coats for another manufacturer from September 1975 through November 1975. Belmont opted to terminate this contract in order to procure a contract for men's leisure suits, for which Belmont's equipment is optimally designed. A survey of the manufacturer's retail buyers of women's coats and jackets showed that these customers did not switch to imports in 1975 or 1976.

Belmont commenced production of men's leisure suits in November, 1975. Employment increased in the fourth quarter of 1975, compared to the same quarter of the previous year, and in the first month of 1976 compared to the first month of 1975.

CONCLUSION

After careful review of the facts obtained in the course of the investigation, I conclude that increases of imports like or directly competitive with boys' sportcoats and suit coats, women's knit coats, women's woven coats and jackets, and men's leisure suits produced at Belmont Manufacturing Corporation, located in New Bedford, Massachusetts, did not contribute importantly to the total or partial separations of the workers at such plant. Signed at Washington, D.C. this 29th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20631 Filed 7-15-76;8:45 am]

[TA-W-976]

BILLFOLD CORPORATION OF AMERICA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petiton dated June 8, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Billfold Corporation of America, - Bo Rincon, Gukabo, Puerto Rico (TA-W-976). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wallets, key cases and pockets produced by Billfold Corporation of America 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20673 Filed 7-15-76;8:45 am]

[TA-W-950]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 24, 1976 the Department of Labor received a petition dated June 6, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Versailles, Missouri plant of Brown Shoe Company, St. Louis, Missouri (TA-W-950). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a), of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather sandals and vinyl handbags for women produced by Brown Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 24th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20651 Filed 7-15-76;8:45 am]

[TA-W-978]

CANTERBURY BELTS OF PUERTO RICO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Canterbury Belts of Puerto Rico, Mayaguez, Puerto Rico (TA-W-978). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather belts and wallets produced by Canterbury Belts of Puerto Rico, 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20675 Filed 7-15-76;8:45 am]

[TA-W-832]

CARDOZO MANUFACTURING CO., INC.

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 TW-W-832: 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 on behalf of workers and former workers producing aluminum tennis rackets at Cardozo Manufacturing Company, Incorporated, Kansas City, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20943). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Cardozo 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 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 any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Kansas City plant decreased by 70 percent in the first quarter of 1976 compared to the same period in 1975. Layoffs and partial separations occurred during the last week in June and first week in July 1975; during the last two weeks in November 1975; and again during the last week in February and the first three weeks in March 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Kansas City plant declined in quantity by 8 percent in 1975 from 1974 and declined 79 percent in the first quarter of 1976 compared to the first quarter of 1975.

INCREASED IMPORTS

Imports of tennis rackets increased in quantity each year from 3.2 million units in 1971 to 7.5 million units in 1975. In 1975, the quantity of imported tennis rackets amounted to 77 percent of the quantity of rackets domestically consumed.

CONTRIBUTED IMPORTANTLY

Imports of tennis rackets increased in quantity and in dollar value each year during the 1971–1975 period. The quantity of imported tennis rackets in 1975 was greater than three times the quantity of tennis rackets produced domestically during the same period.

In 1975, imports of low and middle-priced tennis rackets continued to represent a large share of the import market. Customers of the Cardozo Company indicated that the low-price rackets which are now being imported are much improved in quality compared to the low-priced rackets which were imported in 1973 and 1974. Tennis rackets produced by the Cardozo Company are sold in the low and middle price ranges. Customers have decreased purchases of rackets from the Cardozo Company and increased purchases of imported rackets.

Since January 1976, the Cardozo Company has increased its purchases of imported wood and metal tennis rackets. In the first quarter of 1976 Cardozo imported more than twice the number of rackets it produced.

Reduced sales by the Cardozo Manufacturing Company due to increased import competition resulted in employment and production declines at the Kansas City plant beginning in mid-1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with aluminum tennis rackets produce at the Cardozo Manufacturing Company contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers of Cardozo Manufacturing Company, Kansas City, Missouri who became or will become totally or partially separated from employment on or after April 30, 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 30th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20646 Filed 7-15-76;8:45 am]

[TA-W-968]

CARLING NATIONAL BREWERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Brewery Workers and Soft Drink Bottlers of America on behalf of the workers and former workers of Natick, Massachusetts plant of Carling National Brewers, Inc., a division of Carling O'Keith Ltd., Ontario, Canada (TA-W-968). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the production of malt beverages—Carling Black Label Beer and Red Cap Ale produced and provided by Carling National Brewers, 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20666 Filed 7-15-76;8:45 am]

[TA-W-639]

CHARLES RABIN AND CO., INC.

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-639: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on the same date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's lounging and bath robes at the Frackville, Pa. plant of Charles Rabin and Company, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10653). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Charles Rabin, its customers, the Department of Commerce, the International Trade Commission, 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 although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 4 percent in 1974 compared to 1973, and dropped 21 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of men's robes rose 8 percent in 1974 compared to 1973, then declined 2 percent from 1974 to 1975. Production of men's robes fell 11 percent from 1973 to 1974, and 23 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and women's robes, smoking jackets, dusters, housecoats, beach robes and lounging garments decreased absolutely and relative to domestic production in each year from 1971 through 1973. Imports increased absolutely and relatively from 1973 to 1974. From 1974 to 1975, imports declined absolutely by 35 percent. The ratio of imports to domestic production and consumption fell from 10.9 percent and 9.9 percent respectively in 1974 to 7.3 percent and 6.8 percent respectively in 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed who decreased purchases from Charles Rabin did so because of declining retail sales or because of a switch to other domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the course of the investigation, I conclude that increases of imports like or directly competitive with men's lounging robes produced at the Frackville, Pennsylvania plant of Charles Rabin and Co., New York City, New York, 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 July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to
the Deputy Under Secretary.

[FR Doc.76-20630 Filed 7-15-76;8:45 am]

[TA-W-790]

CLUETT PEABODY & CO., INC.

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-790; 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 9, 1976 in response to a worker petion received on April 9, 1976 which was filed by the Amalgamated Clothing workers of America on behalf of workers and former workers producing men's dress

and business shirts at the Troy, New York plant of the Arrow Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 17029) on April 23, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Company and its customers; the National Cotton Council, the Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Troy plant decreased 2.2 percent in 1974 compared to 1973 and 10.6 percent in 1975 compared to 1974.

SALES OR PRODUCTION OR BOTH HAVE DECREASED ABSOLUTELY

Sales are not measured separately for shirts produced at the Troy plant. Total company-wide sales of men's dress and business shirts declined 13.0 percent in 1974 compared to 1973 and 16.3 percent in 1975 compared to 1974. Production at the Troy plant declined 3.5 percent in 1974 compared to 1973 and 30.4 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of men's and boys' knit and woven, dress and sport shirts, excluding T-shirts and woven sport shirts increased from 1971 to 1972, decreased in 1973 and 1974 compared to the previous year, and increased to 97.0 million units in 1975 from 90.5 million units in 1974.

CONTRIBUTED IMPORTANTLY

While Arrow Company's domestic production of its shirts was substantially decreased in 1975 compared to 1974, Arrow Company greatly increased its purchases of imported shirts in 1975 compared to 1974. All shirts imported by Arrow are sold under the Arrow label. Customers surveyed indicated that although their purchases from Arrow had increased in 1975, a greater proportion of the shirts purchased from Arrow had been manufactured in foreign facilities.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's woven dress shirts produced at the Troy, New York plant of Arrow Company, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Troy, New York plant of Arrow Company who became totally or partially separated from employment on or after March 16, 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 28th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20643 Filed 7-15-76;8:45 am]

[TA-W-676]

CONSOLIDATED PANTS INC.

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-676: 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 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing women's slacks at the Hammonton, New Jersey plant of Consolidated Pants Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14229). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Consolidated Pants, Inc., 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 for 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 of the above criteria have been met.

SIGNIFICANT, TOTAL OR PARTIAL SEPARATION

The average number of workers at Consolidated declined 7.4 percent from 1973 to 1974 and declined 22.3 percent from 1974 to 1975. From the first quarter of 1974 to the first quarter of 1976, employment declined in each quarter when compared to the same quarter of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's slacks increased 2.0 percent from 1973 to 1974 and then declined 62.2 percent from 1974 to 1975.

Production of women's slacks at Consolidated declined 7.2 percent from 1973 to 1974 and declined 66.5 percent from 1974 to the first quarter of 1976, production declined in each quarter when compared to the same quarter of the previous year.

INCREASED IMPORTS

Imports of ladies' and children's woven slacks, jeans and shorts increased from 61.7 million pairs in 1971 to 66.3 million pairs in 1972. Imports then declined in 1973 and 1974. In 1975, imports increased again to 65.2 million pairs. Imports of ladies' and children's woven slacks, jeans, and shorts increased 18.5 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 23.9 percent and 19.3 percent respectively, in 1974 to 24.8 percent and 19.9 percent respectively, in 1975.

Imports of ladies' and children's knit slacks and shorts increased in each year from 74.7 million pairs in 1971 to 80.0 million pairs in 1973. Imports declined in 1974 and then increased to 55.2 million pairs in 1975. Imports of ladies' and children's knit slacks and shorts increased 6.0 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 42.0 percent and 30.0 percent, respectively, in 1974 to 46.0 percent and 31.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Consolidated stitches for two manufacturers. These manufacturers and

their customers have reduced purchases of domestically produced slacks because of increased imports of less expensive slacks.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's slacks produced at the Hammonton, N.J. plant of Consolidated Pants, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hammonton plant of Consolidated Pants, Incorporated, Hammonton, New Jersey 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 Act of 1974.

Signed at Washington, D.C. this 30th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20633 Filed 7-15-76;8:45 am]

[TA-W-588]

DAME BELT CO., INC. AND MAC ORIGINALS, INC.

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-588; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 6, 1976 in response to a worker petition received on February 6, 1976 which was filed by the Pocketbook and Novelty Workers Union, on behalf of workers and former workers producing leather handbags at the plant of Mac Originals, Inc., New York, New York. The investigation was expanded to include the parent firm, Dame Belt Co., Inc.

The Notice of the Investigation was published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7830). 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., 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 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 of production workers at Dame Belt and its affiliate including Mac Originals, Inc. declined 28.1 percent in 1974 compared with 1973 and declined 2.7 percent in 1975 compared with 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Mac Originals produces leather handbags for Dame Belt. Sales of leather handbags in terms of quantity declined 5.7 percent in 1975 compared with 1974.

Total production in terms of quantity of Dame Belt and its affiliates including Mac Originals fell in 1975 by 17.0 percent compared with 1974.

INCREASED IMPORTS

Imports of leather handbags increased 56.8 percent in 1972 compared with 1971, decreased 8.6 percent in 1973 compared with 1972, decreased 40.9 percent in 1974 compared with 1973 and increased 19.1 percent in 1975 compared with 1974. Imports of 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 Mac Originals, Inc. leather handbags, representing approximately 45 percent of sales, 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.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather handbags produced at the New York City plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Dame Belt Company, Incorporated, New York, New York and its subsidiary Mac Originals, Incorporated, New York, New York engaged in employment related to the production of handbags who became totally or partially separated from employment on or after January 28, 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 21st day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20628 Filed 7-15-76;8:45 am]

[TA-W-972]

DEBRA CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 2, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Debra Company, Inc., Mayaguez, Puerto Rico (TA-W-972). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's and men's underwear, produced by Debra Company, 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 a pubthe 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 26, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than July 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20669 Filed 7-15-76;8:45 am]

[TA-W-979]

EAST WEST MUSICAL INSTRUMENTS CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 23, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of East West Musical Instruments Company, Inc., San Francisco, California (TA-W-979). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather jackets and coats for men and women produced by East West Musical Instruments Company, 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20676 Filed 7-15-76;8:45 am]

[TA-W-959]

ELECTRO-MECHANICAL PRODUCTS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Oglesby, Ill. plant of the Indiana General Division of Electro-Mechanical Products a division of Electronic Memories & Magnetics Corp., Los Angeles, Calif. (TA-W-959). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with direct current motors for industry applications produced by Electro-Mechanical Products, 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 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20657 Filed 7-15-76;8:45 am]

[TA-W-706, 707]

FAIRFIELD GLOVE COMPANY, INC.

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-706, 707: 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 Fairfield Glove Company, Inc., Fairfield and Bonaparte, Iowa.

The notices of investigation were published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15486-15487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fairfield Glove Company, Inc., 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 investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers at the Fairfield, Iowa plant declined 13.5 per-

cent in 1975 compared to 1974 and declined 10.5 percent in the first quarter of 1976 compared to the first quarter of 1975. The average number of workers at the Bonaparte, Iowa plant declined 19.4 percent in 1975 compared to 1974 and declined 7.4 percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

At the Fairfield, Iowa plant, sales declined 1.7 percent in 1974 compared to 1973, declined 24.0 percent in 1975 from 1974, and decreased 17.5 percent in the first quarter of 1976 compared to the first quarter of 1975. Sales of work gloves at the Bonaparte, Iowa plant increased 0.5 percent in 1974 from 1973, increased 6.6 percent in 1975 from 1974, and declined 38.1 percent in the first quarter of 1976 compared to the first quarter of 1975.

Production of work gloves declined 25.1 percent and 37.9 percent respectively at the Fairfield, Iowa and Bonaparte, Iowa plants in 1975 from 1974.

INCREASED IMPORTS

Imports of work gloves increased rela-

After careful review of the facts consumption in each year from 1972 through 1975. The ratios of imported work gloves to domestic production and consumption increased 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 indicates that customers of work gloves who reduced purchases from Fairfield Glove Company, Inc. increased purchases of imported work gloves in recent years.

CONCLUSION

After careful review of the facts contained in the investigation, I conclude that increases of imports like or directly competitive with work gloves produced by Fairfield Glove Company, Inc., Fairfield and Bonaparte, Iowa contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Fairfield Glove Company, Inc., Fairfield and Bonaparte, Iowa, who became or will become 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 2nd day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-20639 Filed 7-15-76;8:45 am]

[TA-W-743]

FAIRVIEW MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-743: 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 on behalf of workers and former workers engaged in the production of men's sport slacks at Fairview Manufacturing Co., Hammonton, N.J.

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 L. Greif Bros., the parent corporation of Fairview Mfg. Co., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision 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

The average number of workers decreased 48 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production fell 49 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts increased in 1972 compared to 1971, decreased in 1973 and 1974 but rose 39 percent in 1975 compared to 1974. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent in 1975.

CONTRIBUTED IMPORTANTLY

Some customers indicated that they reduced purchases of men's sport slacks from Fairview Mfg. Co. and switched to offshore producers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sport slacks produced at Fairview Manufacturing Co., Hammonton, N.J. did contribute importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's sport slacks at Fairview Manufacturing Co., Hammonton, N.J. who became totally or partially separated from employment on or after March 17, 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 30th day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-20640 Filed 7-15-76;8:45 am]

[TA-W-973]

GARY GARMENT

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 2, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Gary Garment, Mayaguez, Puerto Rico (TA-W-973). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or di-

rectly competitive with embroidered underwear produced by Gary Garment, 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 subdivison 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20679 Filed 7-15-76;8:45 am]

[TA-W-954]

GIBSON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Gibson, Inc., Kalamazoo, Michigan a subsidiary of Norlin Music, Chicago, Ill. (TA-W-954). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with guitars, banjos, madolins and parts produced by Gibson, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20653 Filed 7-15-76;8:45 am]

[TA-W-702]

GRANDOE CORP.

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-702: 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 19, 1976 in response to a worker petition received on March 19, 1976 which was filed on behalf of workers and former workers producing leather and fabric gloves at the Grandoe Corporation, Gloversville, New York.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14230). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Grandoe Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's 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, criterion (3) has not been met.

The Gloverville plant produces primarily dress and semi-dress gloves and mittens in textiles, textile/leather combinations and all leather.

Imports of dress and semi-dress gloves and mittens, textile and textile/leather combinations in terms of quantity decreased 17 percent in 1975 compared to 1974. The ratio of imports to domestic prdouction decreased from 277.8 percent in 1974 to 221.2 percent in 1975, which was below the 1971–1974 average of 249.4 percent.

Imports of dress and semi-dress gloves and mittens, all leather, in terms of quantity decreased 7 percent in 1975 compared to 1974. The ratio of imports to domestic production decreased from 56.5 percent in 1974 to 47.9 percent in 1975, which was below the 1971–1974 average of 127.6 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with dress and semi-dress gloves and mittens in textiles, all leather and textile/leather combinations produced at the Grandoe Corporation, Gloversville, New York did not increase as required by Section 222 of the Trade Act of 1974. Therefore, workers at the Grandoe Corporation, Gloversville, New York plant are denied eligibility to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-20636 Filed 7-15-76;8:45 am]

[TA-W-951]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 24, 1976 the Department of Labor received a petition dated June 17, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Windsor, Missouri plant of International Shoe Co., a division of Interco, Inc., St. Louis, Missouri (TA-W-951). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's boots and shoes produced by International Shoe 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 26, 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 26, 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 24th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20662 Filed 7-15-76;8:45 am]

[TA-W-961]

INTERSTATE MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976, the Department of Labor received a petition dated June 2, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Morrilton, Arkansas plant of Interstate Manufacturing Corp., a subsidiary of Baldt Corp., New York, New York (TA-W-961). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with vacuum hose for air conditioning & heating, vinyl outside molding, front and rear bumper fillers, wiring shields, heel pads, door lock buttons, seat welt, windshields produced by Interstate Mfg., Corp.) or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20659 Filed 7-15-76;8:45 am]

[TA-W-960]

INTERSTATE MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 2, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Romeo, Michigan plant of Interstate Manufacturing Corp., a subsidiary of Baldt Corp., New York, New York (TA-W-960). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with vacuum hose for air conditioning & heating, vinyl outside molding, front and rear bumper fillers, wiring shields, heel pads, door lock buttons, seat welt, windshields produced by Interstate Mfg., Corp., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20658 Filed 7-15-76;8:45 am]

[TA-W-940]

JANESVILLE AUTO TRANSPORT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 15, 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 Dairy Employees & Helpers Union on behalf of the workers and former workers of Janesville Auto Transport Co., Janesville, Wisconsin (TA-W-940). 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 transporting of G.M. automobiles from manufacturer to dealer provided by Janesville Auto Transport 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 26, 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 26, 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 15th day of June 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20650 Filed 7-15-76;8:45 am]

[TA-W-967]

LA TOSKA FASHIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 22, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of La Toska Fashions, Inc., Long Island City, New York (TA-W-967). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by La Toska Fashions, 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 26, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment, at the address shown below, not later than July 26, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of the 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20665 Filed 7-15-76;8:45 am]

[TA-W-957]

LEISURE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 15, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Leisure Manufacturing Co., Haverhill, Massachusetts (TA-W-957). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the invetsigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with assembling shoe parts for distribution to wholesale and retail outlets produced by Leisure Manufacturing 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 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20655 Filed 7-15-76;8:45 am]

[TA-W-698]

MANHATTAN SHIRT CO., INC.

Revised Certification of 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(a) of such Act, on June 9, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing men's dress and sport shirts at the Ashburn, Georgia plant of the Manhattan Shirt Company, Inc., (TA-W-698). The notice of certification was published in the FEDERAL REGISTER on June 22, 1976 (41 FR 25062).

On the basis of further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the impact date of the certification issued by the Department on June 9, 1976 is hereby revised based on the finding that the original impact date did not reflect the layoff of a large group of workers in the few days immediately prior to that date.

Such revised certification is hereby made as follows:

All workers at the Ashburn, Georgia plant of the Manhattan Shirt Company, Inc., who became totally or partially separated from employment on or after February 5, 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 7th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-20635 Filed 7-15-76; 8:45 am]

[TA-W-697]

MANHATTAN SHIRT CO., INC.

Revised Certification of 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(a) of such Act, on June 9, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing men's dress shirts at the Americus, Georgia plant of the Manhattan Shirt Company, Inc., (TA-W-697). The notice of certification was published in the FEDERAL REGISTER on June 22, 1976 (41 FR 25062).

On the basis of further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the impact date of the certification issued by the Department on June 9, 1976 is hereby revised based on the finding that the original impact date did not reflect the layoff of a large group of workers in the few days immediately prior to that date.

Such revised certification is hereby made as follows:

All workers at the Americus, Georgia plant of the Manhattan Shirt Company, Inc., who became totally or partially separated from employment on or after February 5, 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 7th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-20034 Filed 7-15-76;8:45 am]

[TA-W-977]

MAYAGUEZ LEATHER PRODUCTS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mayaguez Leather Products, Inc., Mayaguez, Puerto Rico (TA-W-977). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather belts and wallets produced by Mayaguez Leather Products, 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 26, 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 26, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20674 Filed 7-15-76;8:45 am]

[TA-W-974]

MAYAGUEZ SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 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") on behalf of the workers and former workers of Mayaguez Shoe Corporation, Mayaguez, Puerto Rico. Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Mayaguez Shoe Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20674 Filed 7-15-76;8:45 am]

[TA-W-656]

MIDWEST FOOTWEAR COMPANY, INC.

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-656: 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 the workers of Midwest Footwear Company, Inc., Sullivan, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 12752) on March 26, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Footwear Co., its customers, the U.S. Department of Commerce, the American Footwear Industries Association, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 18.3 percent from 1973 to 1974 and then declined 13.4 percent from 1974 to 1975. Employment declined in each of the first three quarters of 1975 compared to like quarters in 1974. Average weekly hours for production workers declined in the first, second and fourth quarters of 1975 compared to the same quarter of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's shoes produced at Midwest Footwear declined 18.6 percent from 1974 to 1975. Sales declined in each of the first three quarters of 1975 compared to the like quarter of the previous year.

Production of women's shoes at Midwest Footwear declined 35.9 percent from 1974 to 1975. Production declined in each quarter of 1975 compared to the like quarter of 1974.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased both absolutely and relatively in each year from 1971 through 1973. Imports declined absolutely and relatively from 1973 to 1974 and then increased absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 103.6 percent and 50.9 percent, respectively, in 1974 to 105.1 and 51.3 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers reduced purchases of women's shoes from Midwest Footwear from 1974 to 1975 in favor of lower-priced imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at Midwest Footwear Company, Inc., Sullivan, Missouri contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of women's footwear at Midwest Footwear Company, Inc., Sullivan, Missouri who became totally or partially separated from employment on or after February 3, 1975 and before February 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant
to the Deputy Under Secretary.

[FR Doc.76-20632 Filed 7-15-76;8:45 am]

[TA-W-975]

MOBILIZER MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 11, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mobilizer Manufacturing Company, Mayaguez, Puerto Rico (TA-W-975). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with assembling of hospital beds provided by Mobilizer Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibilty 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20672 Filed 7-15-76;8:45 am]

[TA-W-964]

MODERN CLOTH SPONGING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 22, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Modern Cloth Spong-

ing Company, Philadelphia, Pennsylvania (TA–W–964). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with examining and shrinking cloth provided by Modern Cloth Sponging Company, or an appropriate subdivision thereof, have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–20662 Filed 7–15–76;8:45 am]

[TA–W–963]

NOVELTY SLIPPER CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 23, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers on behalf of the workers and former workers of Novelty Slipper Company, Incorporated, Port Jarvis, New York (TA–W–963). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Novelty Slipper Company, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–20661 Filed 7–15–76;8:45 am]

[TA–W–970]

OOMPHIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated July 17, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoeworkers of America on behalf of the workers and former workers of Casual Footwear Division, of Oomphies, Inc., Lowell, Massachusetts (TA–W–970). Accordingly, the Directo, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's casual footwear produced by Oomphies, 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 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc 76–20668 Filed 7–15–76;8:45 am]

[TA–W–958]

OOMPHIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 15, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Ludington Division of Oomphies, , Inc., Lawrence, Massachusetts (TA–W–917). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's casual footwear produced by Oomphies, 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 26, 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 26, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20656 Filed 7-15-76;8:45 am]

[TA-W-704]

RUSSELL, BURDSALL AND WARD, INC.

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-704: 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 United Auto Workers of America on behalf of workers and former workers producing metal fasteners at Russell, Burdsall and Ward, Inc., Mentor, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15493). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Russell, Burdsall and Ward, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of 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 of production workers at Russell, Burdsall and Ward decreased 30.4 percent in 1975 from 1974 and decreased 20.8 percent in the first quarter of 1976 from the first quarter in 1975.

Employment of salaried workers declined 16 percent in the first quarter of 1976 from the first quarter in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of metal fasteners declined 31.4 percent in 1975 from 1974 and declined 30.1 percent in the first quarter of 1976 from the first quarter in 1975.

Sales of metal fasteners declined 33 percent in 1975 from 1974.

INCREASED IMPORTS

Imports of screws increased absolutely and relatively compared to domestic production and consumption in each year from 1971 through 1974. The ratio of imports to domestic production and consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent, respectively in 1975.

Imports of bolts increased absolutely and relatively compared to domestic production and consumption in each year from 1970 to 1974. Additionally, the share of U.S. consumption held by imported bolts increased in 1975 from 1974.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation indicates that customers of standard metal fasteners who reduced purchases from Russell, Burdsall and Ward, Inc. have increased purchases of imports in recent years. Declines of sales of standard fasteners as a result of increased imports of standard fasteners caused separations of workers at the Mentor, Ohio plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal fasteners produced by Russell, Burdsall and Ward, Inc., Mentor, Ohio contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Russell, Burdsall and Ward, Inc., Mentor, Ohio, who became or will become totally or partially separated from employment on or after March 16, 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 28th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20637 Filed 7-15-76;8:45 am]

[TA-W-705]

STAR GLOVE CO.

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-705; 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 cotton work gloves at the Kokomo, Indiana plant of Star Glove Company, Detroit, Michigan.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15493). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Star Glove 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 revealed that although the first and third criteria have been met, the second and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total employment at the Kokomo plant decreased five percent from 1974 to 1975. In the first quarter of 1976, plant employment was 27 percent above that in the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of cotton work gloves increased five percent in volume from 1974 to 1975. In the first quarter of 1976, unit production was 38 percent above that in the first quarter of 1975.

INCREASED IMPORTS

The volume of imported work gloves, made of textiles and of textile-leather combinations, increased absolutely and relatively 1971 through 1974. The ratios of work glove imports to domestic production and to consumption rose from 9.3 percent and 8.5 percent, respectively, in 1974 to 12.4 percent and 11.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers who had reduced purchases from the Star Glove Company in 1975 did so primarily due to the recession. None of these customers imported or used imports of cotton work gloves. Company imports of work gloves declined from 1974 to 1975. Company imports in 1975 consisted of leather palm gloves which could not have been made at the Kokomo plant. The volume of these imports comprised less than one percent of 1975 unit production at Kokomo. Increased customer orders caused production and employment at the Kokomo plant to rise in the first quarter of 1976 over respective levels in the first quarter of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the cotton work gloves produced at the Star Glove Company, Kokomo, Indiana, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 28th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20638 Filed 7-15-76;8:45 am]

[TA-W-969]

STRIDE RITE MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lawrence, Massachusetts plant of Stride Rite Manufacturing Corp., Boston, Massachusetts (TA-W-969). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with misses, children's, infants' shoes produced by Stride Rite Manufacturing Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner of 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 Juy 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20667 Filed 7-15-76;8:45 am]

[TA-W-842]

TELEDYNE INC.

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-842: 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 on behalf of workers and former workers of Teledyne Incorporated, Canonsburg Division, Washington, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20966). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne Incorporated, 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.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in section 222(3) of the Act. See Notice of Negative Deter-

mination in Pan American World Airways, Incorporated (TA–W–153; 40 FR 54639).

Teledyne Incorporated, Canonsburg Division, performs the service of polishing stainless steeel coils, on a contract basis, for steel manufacturers. Teledyne, ing stainless steel coils, on a contract vide any service for products manufactured by other Teledyne, Inc., establishments. The company is not involved in the production of an article within the meaning of section 222(3) of the Act.

After careful review of the facts I have determined that services of the kind provided by Teledyne Incorporated, Canonsburg Division, Washington, Pennsylvania, are not "articles" within the meaning of section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc. 76–20647 Filed 7–15–76;8:45 am]

[TA–W–634]

TOP-O-MART CLOTHES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department herein presents the results of TA–W–634: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

This petition, dated February 3, 1976, was submitted with a request that it be considered as an amendment to an earlier petition involving Top-O-Mart's sole contractor, Model Coat Company. The Department initiated a new investigation with the understanding that the petition would be treated as an amendment to the earlier one received on October 3, 1975, and filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers performing the sewing operations on suit coats and sportcoats at the Vineland, New Jersey plant of the Model Coat Company (TA–W–221). The Model Coat Company case was published in the Federal Register on October 15, 1975 (40 FR 48418).

The petition amendment was filed on behalf of former workers producing men's and boys' suits and sportcoats at the Vineland, New Jersey plant of Top-O-Mart Clothes, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976. (41 FR 10662). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Top-O-Mart Clothes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production employment at Top-O-Mart fell 37.5 percent from 1973 to 1974. Quarterly production employment declined in every quarter of 1974 compared to the same quarter previous year. All production employees were separated in October, 1974, when the company closed.

Employment of salaried workers declined 12.1 percent from 1973 to 1974. In 1975, employment declined in each quarter from the same quarter previous year. All salaried workers were terminated by December 31, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of suits and sportcoats by Top-O-Mart Clothes, Inc. declined 25.7 percent from 1973 to 1974 and 95.8 percent from 1974 to 1975.

Production of coats by Top-O-Mart declined 58 percent in quantity from 1973 to 1974. Production of pants declined 61.6 percent in quantity from 1973 to 1974. All production ceased with the closing of the firm in October 1974.

INCREASED IMPORTS

Imports of men's and boys' suits increased absolutely and relatively in each year from 1971 to 1974. Imports increased absolutely by 22 percent from 1973 to 1974. The ratio of imports to domestic production and consumption increased from 10.1 percent and 9.2 percent, respectively, in 1973 to 12.2 percent and 10.9 percent, respectively, in 1974.

Imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relatively in each year from 1971 to 1973. Imports increased relatively from 1973 to 1974. The ratio of imports to domestic production and consumption increased from 19.2 percent and 16.2 percent, respectively, in 1973 to 21.2 percent and 17.5 percent, respectively, in 1974.

CONTRIBUTED IMPORTANTLY

The Department's investigation has revealed that customers of Top-O-Mart Clothes, Inc. have reduced purchases of men's suits and sportcoats from Top-O-Mart and increased purchases of imports.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boys' suits and sportcoats produced at the Vineland, New Jersey, plants of Top-O-Mart Clothes, Inc. contributed importantly to the total or partial separations of the workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All employees engaged in employment related to the production of men's and boys' suits and sportcoats at the Peach Street and Elmer Street, Vineland, New Jersey plants of Top-O-Mart Clothes, Inc. who became totally or partially separated from employment on or after October 3, 1974 and before January 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1976.

HERBERT N. BLACKMAN,
Deputy Under Secretary of International Labor Affairs.

[FR Doc.76–20629 Filed 7–15–76;8:45 am]

[TA–W–783; TA–W–784]

TRW/IRC

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–783 & 784: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on April 2, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing fixed resistors at the Boone and Newland, North Carolina plants of TRW/IRC, a division of TRW, Incorporated, Cleveland, Ohio.

The notices of investigation were 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 TRW/IRC, 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 certificate of an eligibility to apply for adjustment assistance, each of the group eligibility re-

quirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total employment of production workers at the Boone and Newland plants did not change in 1974 compared to 1973, and declined 53 percent in 1975 compared to 1974. In the first quarter of 1976 the average number of production workers declined 10 percent compared to the same period in 1975.

In February 1976 the plant in Newland producing a resistor for hair dryers closed and all workers were either separated or transferred to the Boone or other Newland plant.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales of fixed resistors at TRW/IRC increased 12 percent in 1974 compared to 1973, and decreased 13 percent in 1975 compared to 1974. In the first quarter of 1976 sales of resistors increased 25 percent compared to the same period in 1975.

Total production of fixed resistors by TRW/IRC increased 13 percent in 1974 compared to 1973 and decreased 42 percent in 1975 compared to 1974. In January through April 1976 total production of resistors increased 31 percent compared to the same period in 1975.

INCREASED IMPORTS

Imports of fixed film resistors increased steadily from 557 million units in 1971 to 1770 million units in 1974—an increase of 218 percent—and then decreased 60 percent in 1975 compared to 1974. The import/production and import/consumption ratios for fixed film resistors increased from 66.0 percent and 40.9 percent, respectively, in 1971 to 73.1 percent and 42.8 percent, respectively, in 1974, and then decreased to 38.5 percent and 28.2 percent, respectively, in 1975.

Imports of fixed wirewound resistors increased steadily from 5 million units in 1971 to 18 million units in 1974—an increase of 260 percent—and then decreased to 5 million units in 1975, an annual decrease of 72 percent. The import/production and import/consumption ratios for fixed wirewound resistors increased from 2.2 percent and 2.4 percent, respectively, in 1971 to 7.6 percent and 8.0 percent, respectively, in 1974, and then decreased to 3.9 percent and 4.2 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Customers of TRW/IRC indicated that reductions in purchases of fixed resistors from TRW/IRC were the result of a decrease in demand for the type of resistor produced by TRW/IRC. Some customers indicated that they have shifted purchases of the types of resistors produced by TRW/IRC to other domestic manufacturers. The metal film resistor produced at TRW/IRC has a lower tolerance than resistors produced by foreign sources and is used for a different purpose.

The closing of one Newland plant in February 1976 resulted from the decision by the plant's sole customer to produce the heating unit previously produced at Newland at its own facility in Lancaster, Pennsylvania.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fixed resistors produced at the Boone and Newland, North Carolina plants of TRW/IRC did not contribute importantly to the total or partial separation of workers at those plants.

Signed at Washington, D.C. this 6th day of July 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20642 Filed 7-15-76;8:45 am]

[TA-W-803]

UNITED STATES STEEL CORP.

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-803: investigation regarding certification of eligibility to apply for worker adjusment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 23, 1976 in response to a worker petition received on April 23, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel plate and slab at the United States Steel Corporation, Homestead Works plant, Homestead, Pennsylvania. The Department's investigation revealed that the Homestead Works plant produced primarily carbon steel products.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 20048) on May 14, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the United States Steel Corporation, 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 although the first three criteria have been met, the fourth criterion has not been met in the cases of both stainless steel plate and carbon steel products.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 3.2 percent in 1974 compared with 1973 and decreased 12.5 percent in 1975 compared with 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of carbon steel products from the Homestead plant have constituted over 99.0 percent of total shipments since 1973. Shipments of stainless steel plate increased 42.5 percent in 1974 compared with 1973 and decreased 38.3 percent in 1975 compared with 1974.

Shipments of carbon steel structural shapes, pilings, plate, semi-finished and other carbon steel products decreased 2.7 percent in 1974 compared with 1973 and decreased 27.6 percent in 1975 compared with 1974.

INCREASED IMPORTS

Imports of stainless steel plate increased 64.4 percent in 1972 compared with 1971, decreased 33.9 percent in 1973 compared with 1972, increased 13.3 percent in 1974 compared with 1973 and increased 36.7 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 10.0 percent and 9.5 per-

cent respectively in 1974 to 18.6 percent and 16.3 percent in 1975.

Imports of carbon steel plate increased 6.4 percent in 1972 compared with 1971, decreased 19.9 percent in 1973 compared with 1972, increased 28.5 percent in 1974 compared with 1973 and decreased 20.4 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 18.8 percent and 16.4 percent respectively in 1974 to 19.4 percent and 16.6 percent respectively in 1975.

Imports of carbon steel structural shapes and piling increased 9.1 percent in 1972 compared with 1971, decreased 22.1 percent in 1973 compared with 1972, decreased 7.9 percent in 1974 compared with 1973 and decreased 29.2 percent in 1975 compared with 1974. The ratio of imports to domestic shipments increased from 19.1 percent in 1974 to 19.2 percent in 1975 and the ratio of imports to domestic consumption decreased from 16.8 percent in 1974 to 16.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed with the exception of one indicated that they had not shifted purchases of carbon or stainless steel products to foreign sources. Although most customers had reduced purchases from the Homestead Works, these reductions were made in response to their own reduced requirements dictated by recessionary influences in 1975. Cited as important factors in these decisions to reduce purchases of carbon steel products were the continuing slump in the construction industry as well as reduced spending levels in general by other large steel consumers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel plate and the carbon steel products produced at the Homestead Works plant of the United States Steel Corporation, Homestead, Pennsylvania did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 6th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-20644 Filed 7-15-76;8:45 am]

[TA-W-955]

VULCAN MOLD & IRON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 22, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile Workers of America on behalf of the workers and former workers of Vulcan Mold & Iron Co., Latrobe, Pa. a division of Vulcan, Inc., Latrobe, Pa. (TA-W-955). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty & tool steel ingots, billets, rolled or forged bars produced by Vulcan Mold & Iron 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 26, 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 26, 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 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20654 Filed 7-15-76;8:45 am]

[TA-W-966]

WALLACE MURRAY CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 1, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Simonds Cutting Tools File Plant, Newcomerstown, Ohio of Simonds Cutting Tools, Fitchburg, Massachusetts, a division of Wallace Murray Corporation, New York, New York (TA-W-966). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hand files produced by Wallace Murray Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20664 Filed 7-15-76;8:45 am]

[TA-W-965]

WESTERN INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 25, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the on behalf of the workers and former workers of Chilton Metals Products, Chilton, Wisconsin, a division of Western Industries, Milwaukee, Wisconsin (TA-W-965). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau

of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with lawn sprinklers, grass catchers, propane cylinders, gas tanks and gas cans & blower housings produced by Western Industries, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20663 Filed 7-15-76;8:45 am]

[TA-W-962]

W. R. GRACE & CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1976 the Department of Labor received a petition dated June 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lawrence Maid Footwear, Lawrence, Massachusetts, a division of W. R. Grace & Company, New York, New York (TA-W-962). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by W. R. Grace & Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 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 26, 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 30th day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-20660 Filed 7-15-76;8:45 am]

[TA-W-808]

W. T. GRANT CO.

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-808: 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 23, 1976 in response to a worker petition received on April 23, 1976 which was filed by three former workers of W. T. Grant Company, Matawan, New Jersey, a division of W. T. Grant Company, New York, New York on behalf of themselves.

The Notice of Investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20048). No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from officials of the W. T. Grant Company.

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;

(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.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The Matawan, New Jersey division of W. T. Grant Company is a retail outlet of W. T. Grant Company, New York, New York. It performs no manufacturing or warehousing operations. Clothing, hardware, and draperies are purchased from domestic and foreign sources and sold through W. T. Grant outlets. Employees of the Matawan, New Jersey division are not involved in the production of an article within the meaning of Section 222(3) of the Act. Employment reductions at the Matawan, New Jersey division were due to W. T. Grant's bankruptcy and eventual shutdown of its retail outlets.

After careful review of the issues, I have determined that services of the kind provided by workers at the Matawan, New Jersey division of the W. T. Grant Company are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-20645 Filed 7-15-76;8:45 am]

[TA-W-913]

ZENITH ELECTRONICS CORP.

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-913: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 28, 1976 in response to a worker petition received on May 28, 1976 which was filed by the United Auto Workers of America on behalf of workers and former workers producing color television picture tubes at the Lansdale, Pennsylvania plant of the Zenith Electronics Corporation.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24804). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Zenith Electronics Corporation and the United Auto 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 as to whether any of the other criteria have been met, criterion (1) has not been met.

The evidence developed during the Department's investigation reveals that the most recent involuntary total or partial separations of production and salaried workers at the Lansdale, Pennsylvania plant of the Zenith Electronics Corporation occurred in the period from October 1974 through April 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that these separations occurred more than one year from the date of the petition, May 24, 1976, and do not meet the eligibility date for coverage under Section 223(b)(1) of the Trade Act of 1974.

Signed at Washington, D.C. this 2d day of July 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-20649 Filed 7-15-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH, SUBGROUPS ON STANDARDS AND POLICY AND ISSUES

Meeting

Notice is hereby given that the Subgroups on Standards and Policy and Issues, National Advisory Committee on Occupational Safety and Health (NACOSH), will meet on July 22, 1976 in Room S-5215, Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9 a.m. The public is invited to attend. The Subgroups will discuss methods to revise and update OSHA consensus safety standards that primarily were adopted under Section 6(a) of the Act in the first two years of the agency's existence. In particular, the Subgroups will discuss the organization and work plan of the President's Task Force on Improving OSHA Regulations which will assist OSHA in accelerating the program to simplify and clarify its safety standards. The issue of the best method to revise safety standards follows-up and expands on previous discussions of the Subgroup on Standards in early 1976.

If time permits, the Subgroups also will continue their discussion of inflationary impact assessment of OSHA standards.

For additional information on the Subgroups' agenda, please contact:

Nancy L. Hucke, National Advisory Committee on Occupational Safety and Health, Department of Labor-OSHA, Committee Management Office, Room N-3635, Third Street and Constitution Avenue, NW, Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning this agenda item or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroups and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroups' Chairmen, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C.

JOANNE L. GOODELL,
Executive Secretary.

NOTE.—This document was originally published at 41 FR 27881, July 7, 1976.

[FR Doc.76-19617 Filed 7-6-76;8:45 am]

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 3(a) of Executive Order 11612 of July 26, 1971 and continued under 4 (a) of Executive Order 11807 of September 28, 1974, Occupational Safety and Health Programs for Federal Employees, will meet on Wednesday, July 21, starting at 9:30 a.m.; in Room S5215 ABC, New Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Proposed addition to 29 CFR Part 1960, review approval of draft proposing a new subpart on Program Evaluation Criteria.

II. Proposed expansion to 29 CFR Part 1960, review and approval of draft expanding subpart F—Field Federal Safety and Health Councils.

III. Reports. A. Committee to review House Report (January 26, 1976) on Safety in the Federal Workplace.

B. Proposed Amendments to 29 CFR Part 1960 adding § 1960.20—Agency Safety and Health Training Guidelines. Published in the Federal Register of June 11, 1976. (41 FR 23722)

C. Final report on Calendar year 1976 Regional Federal Safety and Health Conferences.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions, together with 20 copies thereof, received by the close of business July 19 will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations related to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard, together with 20 copies thereof by the close of business July 16. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Mr. Walter J. Mason, Executive Director, FACOSH, Room N3673, Department of Labor, OSHA, Third Street and Con-

stitution Avenue NW., Washington, D.C. 20210, telephone (202) 523–7125.

Signed at Washington, D.C. this 2nd day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

NOTE.—This document was originally published at 41 FR 27881, July 7, 1976.

[FR Doc.76–19585 Filed 7–6–76;8:45 am]

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, April 28, May 27, and June 11, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the fifth meeting of the above Committee has been scheduled for 10:00 a.m. on August 2, 1976, in Room S–4215, New U.S. Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The Agenda for the August 2 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246.

2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.

3. Revised Order No. 4 (41 CFR Part 60–2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).

4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room N–3424, Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of July, 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76–20845 Filed 7–16–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 93]

ASSIGNMENT OF HEARINGS

JULY 13, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124090 (Sub-No. 5), Transportes Azteca, now assigned October 4, 1976, at Dallas, Tex., is canceled and reassigned for October 4, 1976, at Chicago, Ill. (1 week), in a hearing room to be later designated.

MC 100449 (Sub 62), Mallinger Truck Line, Inc. now being assigned October 4, 1976 (2 days), at Dallas, Texas in a hearing room to be later designated.

MC 116007 (Sub 370), Robertson Tank Lines, Inc. now being assigned October 6, 1976 (3 days), at Dallas, Texas in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20622 Filed 7–15–76;8:45 am]

[Section 5a Application No. 114]

MIDWEST HOUSEHOLD GOODS CARRIERS

Agreement

JULY 9, 1976.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5a of the Interstate Commerce Act.

Filed, as amended, July 9, 1976 by: Reggy Gray, (Attorney-in-Fact), Midwest Household Goods Carriers Association, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107. Rufus H. Lawson, (Attorney for Applicants), 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107.

Agreement Involves: Organization, practices and procedures between and among motor common carrier members of Midwest Household Goods Carriers Association for the joint consideration, initiation or establishment of rates, rules, regulations or practices governing the transportation of household goods in interstate or foreign commerce, between points in the United States.

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 16, 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.76–20621 Filed 7–15–76;8:45 am]

FINANCE APPLICATIONS

Miscellaneous Notice

JULY 16, 1976.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC–F–12882. Authority sought for control and merger by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of the operating rights and property of I & S McDANIEL INC., 1102 Prairie Street, P.O. Box 728, Vincennes, IN., 47591, and for acquisition by MICHAEL P. WARDELL, 2360 West County Road C, St. Paul, MN., 55113 and by GEORGE E. BRIGGS, P.O. Box 906, Eau Claire, WI., 54701, of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner and Edward G. Bazelon, Axelrod, Goodman, Steiner & Bazelon, 39 S. LaSalle Street, Chicago, IL., 60603 and Winston W. Hurd, 2560 W. County Road C, St. Paul, MN., 55113. Operating rights sought to be controlled and merged: *General commodities* as a *common carrier* over regular routes between Paoli, Ind., and Cincinnati, Ohio; between Indianapolis, Ind., and Huntingburg, Ind., between Switz City, Ind., and Vincennes, Ind., between junction Indiana Highway 45 and Indiana Highway 56, and Indianapolis, Ind., between Washington, Ind., and Jasper, Ind., between Huntingburg, Ind., and Evansville, Ind., between Vincennes, Ind., and Lawrenceville, Ill. Service is authorized to and from all intermediate points on the above-specified routes; between Indianapolis, Ind., and Evansville, Ind.; *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor*

Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Terre Haute, Ind., and Freedom, Ind., between Worthington, Ind., and Hubbell, Ind. Service is authorized to and from all intermediate points.

Commodities generally, between Princeton, Ind., and junction Indiana Highways 67 and 58 and Freelandville, Ind., between junction Indiana Highway 56 and unnumbered highway and Dubois, Ind., between junction Indiana Highways 37 and 39 and junction Indiana Highways 39 and 67; between junction U.S. Highway 50 and Indiana Highway 1 and Milan, Ind., all intermediate points on the above-specified routes. *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, over regular routes, between Odon and Brownstown, Ind., between Bloomington and Loogootee, Ind., between Bloomfield, Ind., and the junction of Indiana Highways 54 and 37; between Elnora, Ind., and the junction of Indiana Highways 58 and 67; *General commodities*, except articles of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over a regular route, as an alternate route for operating convenience only, between Oakland City, Ind., and junction Indiana Highway 57 and U.S. Highway 41, *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over regular routes. Service is authorized to and from the following intermediate or off route points in connection with said carrier's presently authorized regular route operations.

(a) All points in Marion County, Ind.; St. Mary's of the Woods, West Terre Haute, and Hulman Air Field in Vigo County, Ind.; points in Indiana within five miles of Evansville, Ind.; points within five miles of Cincinnati in Hamilton County, Ohio; and (b) points within five miles of the following cities, Martinsville, Bloomington, Bedford, Paoli, Linton, Bicknell, Washington, Vincennes, within Indiana, Oakland City (except that portion of the area encompassed by the radius from Winslow), Winslow (except that portion encompassed by the radius from Oakland City and from Petersburg), Petersburg (except that portion encompassed by the radius from Winslow), Princeton, Boonville, Bloomfield (Greene County), Seymour, Lawrenceburg, Jasper (except that portion of the area encompassed by the radius from Huntingburg), and Huntingburg (except that portion encompassed by the radius from Jasper) in Indiana, between Vincennes, Ind., and Washington, Ind., (as an alternate route for operating convenience only in connection with said carrier's otherwise authorized regular route operations); between Loogootee, Ind., and junction U.S. Highway 50 and Indiana Highway 37; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over alternate routes for operating convenience only, subject to the restriction that no service is to be rendered over these routes in connection with the transportation of traffic moving between Indianapolis, Ind., and Cincinnati, Ohio, or Louisville, Ky., and points beyond, between junction U.S. Highway 41 and Indiana Highway 54, on the one hand, and, on the other, Linton, Ind.; between Indianapolis, Ind., on the one hand, and, on the other, Seymour, Ind.; between junction U.S. Highway 31A at or near Columbus, Ind., on the one hand, and, on the other, junction U.S. Highway 31 and U.S. Highway 50 at or near Seymour, Ind.; between junction Indiana Highway 7 and U.S. Highway 31A at or near Columbus, Ind., on the one hand, and, on the other, junction Indiana Highway 7 and U.S. Highway 50 at or near North Vernon, Ind.

General Commodities, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving the site of the Southern Indiana Gas and Electric Company plant located on the Ohio River near Yankeetown, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind. General commodities, except those of unusual value Class AA and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; between junction U.S. Highway 50 and U.S. Highway 150 at or near Shoals, Ind., and junction U.S. Highway 150 and Indiana Highway 56 at or near Prospect, Ind., serving all intermediate points; Alternate or connecting routes for operating convenience only: *General commodities*, except those of usual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U.S. Highway 50 and Indiana Highway 60 at or near Huron, Ind., and Junction Indiana Highway 60 and Indiana Highway 37, at or near Mitchell, Ind., serving no intermediate points; between junction Indiana Highway 157 and Indiana Highway 45 at or near Scotland, Ind., and junction Indiana Highway 157 and Indiana Highway 54 at or near Bloomfield, Ind., serving no intermediate points. *General* commodities, between junction Indiana Highway 54 at or near Washington, Ind., serving no intermediate points between junction Indiana Highway 56 and Indiana Highway 61 over Indiana Highway 61 at or near Campbelltown, Ind., and junction Highway 61 and Indiana Highway 62 at or near Boonville, Ind., serving no intermediate points; between junction U.S. Highway 50 and Indiana Highway 60 at or near Huron, Ind., and junction Indiana Highway 60 and Indiana Highway 37 at or near Mitchell, Ind., serving no intermediate points; between junction Indiana Highway 157 and Indiana Highway 45 at or near Scotland, Ind., and junction Indiana Highway 157 and Indiana Highway 54 at or near Bloomfield, Ind., serving no intermediate points, between junction U.S. Highway 50 and U.S. Highway 31 near Seymour, Ind., and junction Indiana Highway 56 and Indiana Highway 135 at or near Salem, Ind., serving no intermediate points, between junction Indiana Highway 59 and Indiana Highway 246 at or near Clay City, Ind., and junction Indiana Highway 59 and Indiana Highway 67 at or near Sanborn, Ind., serving no intermediate points.

General commodities, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, Serving Huron, Ind., as an intermediate point on carrier's regular route between Loogootee, Ind., and junction U.S. Highway 50 and Indiana Highway 37. Serving the plant site of the U.S. Gypsum Company, near Shoals, Ind., as an off-route point in connection with carrier's regular route operations in Indiana. *General Commodities*, serving the site of the Warrick Works of the Aluminum Company of America, plant, located near Newburgh, Warrick County, Ind., as on off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind., over Indiana Highway 62 and U.S. Highway 41, *General commodities*, Serving the sites of the Indiana Michigan Electric Company and the Ayrshire Collieries Corporation, located in Curry Township, Sullivan County, Ind., as off-route points in connection with carrier's authorized regular-route operations over U.S. Highway 41 between Evansville, Ind., and Terre Haute, Ind., General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction Indiana Highway 46 and Indiana Highway 59, and Bloomington, Ind., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points, *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Salem, Ind., and Borden, Ind., serving all intermediate points; General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

between Jasper, Ind., and Celestine, Ind., serving no intermediate points; between Huntingburg, Ind., and junction Indiana Highways 257 and 56, serving the intermediate point of Velpen, Ind.

General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mitchell, Ind., and junction Indiana Highway 60 and Indiana Highway 56 near Salem, Ind., as an alternate route for operating convenience only, serving no intermediate points: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Paoli, Ind., and English, Ind., serving all intermediate points, *General commodities*, between junction U.S. Highway 50 and Indiana Highway 235, and junction Indiana Highway 135 and Indian Highway 235, serving the intermediate point of Medora, Ind., *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of the New York Central Railroad, know as the Big Four Yards, located generally in the territory east of Indiana Highway 40, in Hendricks County, Ind., as an off-route point, in connection with carrier's authorized regular-route operations to and from Indianapolis, Ind. with restriction. *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between English, Ind., and Louisville, Ky., serving the intermediate points of Temple and Marengo, Ind.; from Louisville, Ky., to Milltown, Ind., serving intermediate and off-route points within 5 miles of Milltown for delivery only; *Livestock*, from Milltown, Ind., to Louisville, Ky., serving intermediate and off-route points within 5 miles of Milltown for pickup only; *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Service is authorized to and from points within 10 miles of Crawfordsville, LaFayette, and Terre Haute, Ind., and those in Marion County, Ind., as intermediate or off-route points in connection with carriers regular-route operations authorized herein.

General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, Service is authorized to and from points within 5 miles of Danville, Ill., as off-route points in connection with carrier's regular-route operations to and from Danville authorized herein General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Terre Haute, Ind., and Indianapolis, Ind., between Indianapolis, Ind., and Danville, Ill.,between points in Ind., Between Jamestown, Ind., and Dover, Ind., between Terre Haute, Ind., and Fairbanks, Ind. Alternate routes for operating convenience only: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Indiana Highway 63 and 234 at or near Cayuga, Ind., and junction Indiana Highway 63 and U.S. Highway 136 (formerly Indiana Highway 34), in connection with carrier's regular-route operations authorized herein: between Morton, Ind., and Rockville, Ind., in connection with carrier's regular route operations authorized herein, between Groveland, Ind., and New Winchester, Ind., in connection with carrier's regular-route operations authorized herein: between Crawfordsville, Ind., and junction Indiana Highway 43 and U.S. Highway 40, in connection with carrier's regular-route operations authorized herein; between Brazil, Ind., and junction Indiana Highway 59 and U.S. Highway 36, in connection with carrier's regular-route operations authorized herein: between New Winchester, Ind., and junction U.S. Highway 40 and Indiana 75, in connection with carrier's regular route operations authorized herein; between Lizton, Ind., and junction Indiana Highway 236 (formerly Indiana Highway 136) and Indiana Highway 39, in connection with carrier's regular-route operations authorized herein.

Alternate routes for operating convenience only: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Paoli, Ind., and junction U.S. Highway 150 and Indiana Highway 66, in connection with carrier's authorized regular-route operations, serving no intermediate points; between Salem, Ind., and junction U.S. Highway 150 and Indiana Highway 135, in connection with carrier's authorized regular-route operations, serving no intermediate points; between Huntingburg, Ind., and English, Ind., in connection with carrier's authorized regular-route operations serving no intermediate points; between Washington, Ind., and junction Indiana Highways 257 and 56, in connection with carrier's authorized regular-route operations, serving no intermediate points, between Oakland City, Ind., and junction Indiana Highways 257 and 64, in connection with carrier's authorized regular-route operations, serving no intermediate points, between junction U.S. Highways 40 and 231 and junction U.S. Highway 231 and Indiana Highway 67, in connection with carrier's authorized regular-route operations, serving no intermediate points; *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving the plant site of the Ford Motor Company, at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky.

General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Chicago, Ill., and Lafayette, Ind., serving all intermediate points, and the off-route points of Lowell, Oxford, and Belshaw, Ind., those within 5 miles of Lafayette, and those within the Chicago, Ill., Commercial Zone, as defined by the Commission, between Chicago, Ill., and junction U.S. Highway 30 and 41, serving points in the Chicago, Ill., Commercial Zone as defined by the Commission, as intermediate and off-route points; between Chicago, Ill., and junction U.S. Highway 30 and Illinois Highway 394 (formerly U.S. Highway 30A), serving points in the Chicago, Ill., Commercial Zone, as defined by the Commission, as intermediate and off-route points; between junction U.S. Highways 30 and 41, and Fowler, Ind., serving all intermediate points, and the off-route points of Lochiel, Wadena, and Barce, Ind., between junction U.S. Highway 30 and Indiana Highway 55, and Remington, Ind., serving all intermediate points, and the off-route point of Kniman, Ind.; between Wolcott, Ind., and Montmorcenci, Ind., serving all intermediate points, between junction U.S. Highway 41 and Indiana Highway 8, and Crown Point, Ind., serving no intermediate points; between junction U.S. Highway 41 and Indiana Highway 2, and junction Indiana Highway 2 and Indiana Highway 53 (U.S. Highway 231), serving no intermediate points, between junction U.S. Highway 41 and Indiana Highway 10, and junction Indiana Highway 10 and Indiana Highway 53 (U.S. Highway 231), serving all intermediate points; between junction Indiana Highway 10 and Indiana Highway 53 (U.S. Highway 231), and Lafayette, Ind., serving all intermediate points and the off-route points of San Pierre, Tefft, Wheatfield, and Kersey, Ind., between Enos, Ind., and junction Indiana Highway 14 and Indiana Highway 43 (U.S. Highway 421), serving all intermediate points, and the off-route of Newland, Ind., between Wheatfield, Ind., and Lewiston, Ind., serving all intermediate points; between Morocco, Ind., and junction Indiana Highway 43 (U.S. Highway 421) and Indiana Highway 114, serving all intermediate points between junction U.S. Highway 41 and Indiana Highway 16, and Monon, Ind., serving all intermediate points, between Kentland, Ind., and Lafayette, Ind., serving all intermediate points, and the off-route point of Yeoman, Ind.; between Fowler, Ind., and junction Indiana Highways 18 and 39, serving all intermediate points; between junction Indiana Highway 43 (U.S.

Highway 421) and Indiana Highway 225, and junction Indiana Highways 25 and 225, serving all intermediate points; between Hammond, Ind., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points.

Alternate route for operating convenience only: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Indianapolis, Ind., and Louisville, Ky., in connection with carrier's authorized regular-route operations between Indianapolis, Ind., and Louisville, Ky., *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Gibson County Generating Plant in Gibson County, Ind., as an offroute in connection with carrier's authorized regular route operations. Alternate route for operating convenience only: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Louisville, Ky., and Cincinnati, Ohio, in connection with carrier's authorized regular route operations, serving no intermediate points. *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Newton, Jasper, Pulaski, Starke, White, Benton, Tippecanoe, and Carroll Counties, Ind., those in that part of Porter County, Ind., on and west of Indiana Highway 53 (U.S. Highway 231), and those in that part of Lake County, Ind., on, south and west of a line beginning at the Illinois-Indiana State line and extending eastward along U.S. Highway 30 to junction Indiana Highway 53 (U.S. Highway 231), and thence southwardly along Indiana Highway 53 (U.S. Highway 231) to the lake County Jasper County line, on the one hand, and, on the other, points in Illinois. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

ROBERT L. OSWALD,
Secretary.

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FRIDAY, JULY 16, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

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PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Handicap

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 84]

PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Handicap

The Office for Civil Rights of the Department of Health, Education, and Welfare proposes to add Part 84 to the Departmental regulation to effectuate section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended by section 111(a) of the Rehabilitation Act Amendments of 1974 (29 U.S.C. 706), with regard to Federal financial assistance administered by this Department. Section 504 provides that "no otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 504 is similar to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.). It differs, however, from both these civil rights statutes in that it applies to discrimination based on handicap, from title IX in that it applies to all programs and activities receiving Federal financial assistance, and from title VI in the extent to which it applies to employment practices.

On May 17, 1976, the Department published in the FEDERAL REGISTER, at 41 F.R. 20296, a Notice of Intent to Issue Proposed Rules. The notice raised fifteen critical issues on which the Department sought public comment before publishing a formal Notice of Proposed Rulemaking. A draft Notice of Proposed Rulemaking was attached at Appendix A, and a statement of the estimated economic and inflationary impact of the draft proposal, prepared in accordance with the requirements of Executive Order 11821, was attached at Appendix B.

The May 17 publication was issued to fulfill the Department's responsibility under section 504 of the Rehabilitation Act of 1973 to ensure that programs and activities funded by the Department of Health, Education, and Welfare are free of discrimination on the basis of handicap. The responsibility of the Department, under Executive Order 11914, issued in April 1976, to coordinate governmentwide enforcement of section 504 and to issue general standards for other departments and agencies to follow in their promulgation of regulations implementing section 504, will be dealt with separately at a later time. The Department does, however, expect to use the definition of handicapped person adopted in its final regulation in fulfilling its responsibility to develop governmentwide standards for determining what persons are covered by the Act. Comment is solicited on the advisability of this approach and on the use of Subparts A, B, and C of the final regulation as the basis for developing guidelines as to what practices are discriminatory.

The Department solicited public comment for 30 days on the fifteen issues raised in the notice and on any additional issues that members of the public considered important to the proper enforcement of section 504. Written comments received through June 21, 1976 have been analyzed and considered in the preparation of this Notice of Proposed Rulemaking. Comments received after that date will be considered during the comment period applicable to this notice.

During the 30-day comment period on the Notice of Intent to issue Proposed Rules, the Office for Civil Rights held ten meetings across the country designed to inform interested persons and organizations of the May 17 publication and to elicit their comments and recomendations concerning the implementation of section 504. Transcripts were made of these meetings and were analyzed along with the written comments in order to enable the Department to benefit as fully as possible from the views of the public on the various issues under consideration. These transcripts are available along with written public comments received by the Department, for public inspection in Room 3231, 330 Independence Avenue SW., Washington, D.C. 20201.

Over three hundred written comments were received in response to the notice. The Secretary is extremely pleased at the extent and quality of the response, particularly in view of the short period of time available for the preparation of comments. He is gratified at the public interest and concern expressed by this response and feels that the comments have more than adequately served the purpose of publication of the notice of intent: to focus public attention and comment on the general issues basic to implementation of the statute and to involve the public in the regulatory process at an earlier and therefore more helpful stage of that process than would otherwise have occurred.

A discussion of the public response to the issues raised in the May 17, 1976, publication as well as a discussion of selected sections in each of the subparts of the proposed regulation is set forth in the following paragraphs.

Subparts A (General Provisions), B (Employment Practices), and C (Program Accessibility) of this proposed regulation apply to all recipients of assistance from the Department of Health, Education, and Welfare. Because handicaps differ widely in nature and in degree of severity, discrimination against handicapped persons includes a wide range of practices with varying effect in different service areas. Therefore, the remaining subparts of the proposed regulation contain more specific requirements and prohibitions applicable to three major types of programs: Subpart D is concerned with preschool, elementary, and adult education programs; Subpart E, with postsecondary education programs; and Subpart F, with health and social service programs. The practices of other recipients of Departmental funds, such as public broadcasters, are subject to the general nondiscrimination provisions of § 84.4 as well as to the provisions of Subpart B and C.

This proposed regulation contains no provisions concerning the Department's procedures for administering the statute because the Department intends to publish a consolidated procedural regulation that will apply to all of the civil rights statutes for which the Department has enforcement responsibilities. Sanctions for noncompliance and enforcement procedures will be the same for section 504, title IX, and title VI. The proposed procedural regulation, which was published on June 4, 1975, at 40 F.R. 24148, and which would have applied to the enforcement of section 504, has been withdrawn. On May 3, 1976, the Department published, at 41 F.R. 18394, a notice of intent to issue a new proposed procedural regulation in order to seek public comment on a number of critical questions concerning the manner in which the Office for Civil Rights enforces various civil rights laws and authorities, including section 504. After the public comments have been evaluated, a new proposed consolidated procedural regulation will be issued.

If the new procedural regulation is not in effect when the regulation implementing section 504 is published in final form, the procedural provisions of the title VI regulation, which may be found at 45 CFR Part 80, will be incorporated by reference into the section 504 regulation for use during the interim.

SUBPART AS ISSUES FROM NOTICE OF INTENT

Three issues were raised in the May 17 Notice of Intent concerning the general provisions of Subpart A. The first issue was how best to interpret the statutory definition of handicapped persons. A great many comments were received concerning whether drug and alcohol addicts or homosexuals should receive the protection of section 504. The draft regulation attached at Appendix A to the Notice of Intent included drug and alcohol addiction, along with other illnessees, as a handicapping condition but excluded homosexuality. The overwhelming majority of comments on this issue urged that homosexuality and addiction be excluded. Others suggested confining the inclusion of alcohol and drug addiction to persons with histories of these conditions. There was also a sizable number of comments that objected to the inclusion of mental illness. Many other commenters did not discuss specific conditions, but expressed the view that the statutory language or its interpretation in the draft regulation was unreasonably broad; some of these commenters suggested limiting the definition to permament conditions or illness.

Commenters made a number of arguments against including alcohol and drug addicts and homosexuals: That these conditions are self-inflicted; that

section 504 is not the proper vehicle for eliminating discriminations based on these characteristics; that the term "handicapped person" does not, from either an historical or popular viewpoint, connote addicts and homosexuals; that such persons, and in particular homosexual persons, would not agree with the notion that they are handicapped; and that inclusion of these groups would detract from the emphasis upon eliminating discrimination against those persons traditionally thought of as being handicapped. Many commenters associated with educational programs also feared that inclusion of addicts would cause serious disruptions of their educational programs.

The Department's suggestion that homosexuals might be included within section 504 by virtue of the statutory inclusion of persons who are regarded as having an impairment was not considered persuasive by any of the commenters. (It should also be noted that none of the commenters referred to homosexuals as being mentally ill.) The Department therefore will continue to interpret the statute so as to exclude homosexuals.

Comments tended to respond to the question of the inclusion of drug and alcohol addicts and of homosexuals in a similar fashion. Because both medical and legal opinion define addiction as an illness and because there has been extensive congressional debate and consideration of this issue with respect to various programs administered by this Department, it is the view of the Department that addiction is clearly within the statutory definition. Further, because of the Rehabilitation Act of 1973 itself, the Department believes that it has no flexibility within the statutory definition to limit the term "handicapped person" to only those individuals who have those severe, permanent, or progressive conditions which are most commonly regarded as handicaps. Accordingly, no change has been made from the May 17 draft regulation in the section defining handicapped person in this proposed regulation. It is however, important to note that the Department intends to give particular attention in its enforcement of section 504 to eliminating discrimination on the basis of the severe handicaps that were the focus of concern in the Rehabilitation Act of 1973.

The implications of the limitations of the coverage of section 504 to handicapped persons who are qualified, contained in the statute and throughout the regulation, should be noted in connection with the inclusion of addicts, as well as of persons who are mentally ill, within the protection of section 504. The fact that these persons are included does not mean that their condition is not to be considered in determining whether they must be provided services or employment opportunities. With respect to the employment of addicts or mentally ill persons, if it can be shown that the addiction or mental illness prevents successful performance of the job, the person need not be provided the employment opportunity in question. If, of course, the condition is not job related, then it may not be the basis for denial of such opportunity. Accordingly, as to the inclusion of these groups of persons within the definition, it is expected that mentally restored persons and rehabilitated addicts will be the primary beneficiaries of the employment provisions of the regulation.

With respect to services, there is considerable evidence of practices that discriminate on the basis of alcohol and drug addiction, especially in regard to the admission practices of hospitals. These latter practices have been specifically prohibited in section 407 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1174) and section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4581); these statutory provisions are also administered by the Department's Office for Civil Rights. With respect to other services, the implications of this coverage are twofold: First, no person may be excluded from the services solely by reason of the presence or history of these conditions; second, to the extent that the manifestations of the condition prevent the person from meeting the basic eligibility requirements of the program or cause substantial interference with the performance of other participants in the program, the condition may be taken into consideration. Thus, a college may not refuse to admit a mentally ill person who can successfully participate in the education program unless the person's behavior is shown to impede the performance of other students.

The Department solicits comment as to how to handle the problem of determining when use of drugs or alcohol has reached the stage of addiction, thus becoming an illness that substantially limits functions, and as to what techniques have been developed by elementary and secondary schools to enable addicted students to continue in school.

The second issue raised in the May 17 notice concerned the degree of specificity that is best suited to this regulation. A few comments favored a general, brief regulation either because that approach would encourage creative methods of compliance, would reduce the technicalities of compliance, or would decrease Federal involvement in the conduct of affected programs. Most of the comments, however, approved of the degree of specificity of the regulation as drafted. The most commonly stated reason was that the guidance provided by detailed regulations is necessary to apprise beneficiaries of their rights and to inform recipients of their responsibilities under section 504. It was also noted that detailed regulations serve to prevent unnecessary and lengthy disputes between recipients and beneficiaries, disputes that would otherwise have to be resolved by the Department or the courts. Given the complexity of the matters being regulated and the lack of a legislative record in most areas, the Department agrees that it is preferable to be as detailed as possible in establishing standards of what practices constitute discrimination at the outset of its enforcement program and therefore has not changed the proposed regulation in this respect.

The third issue raised in the notice of intent concerned whether any time periods for compliance should be adopted in the final regulation. Many comments treated this issue and the issue raised in connection with Subparts D and E as to the difficulty or cost of complying as different aspects of the same problem: Whether the requirements of the regulation should reflect the fact that elimination of discrimination on the basis of handicap will, in many instances, be costly and cannot be achieved immediately. The discussion of these comments, as well as others only indirectly addressing these three issues, follows.

A number of commenters were disturbed by the reference in the May 17 notice to the need, in developing the regulation to implement section 504, to "balance competing equities." As their comments point out, the prohibition of discrimination in the statutory provisions of section 504 is absolute and contains no exception designed to take into account any resulting burden to recipients of Federal assistance. These same commenters also noted the judicially enunciated principle that, in the constitutional context, lack of resources cannot be used to justify a denial of basic rights and that, in particular, cost may not be taken into consideration with respect to the right of handicapped children to a suitable education. Thus, the consideration of cost or other difficulty of compliance or the use of transition periods within the regulation itself was viewed as completely inappropriate by these commenters.

Many of these commenters found the suggestion of allowing compliance to be postponed beyond the time of the publication of a final regulation particularly troublesome in light of the time that has elapsed between enactment of section 504 and publication of the Notice of Intent.

On the other hand, comments from recipients, especially from most of the colleges and universities, voiced the concern that they would be unable to bear the additional financial burden that they foresee as a result of the requirements of the regulation. Few of these commenters disagreed with the Department's interpretation of what practices constitute discrimination. Many, however, suggested that Federal funds should be provided to aid in meeting the statutory requirements, that more time be allowed to make their programs accessible, and that they be relieved of any individual responsibility to reach compliance.

The Department has considered these various points of view and has concluded that, in general, the resolution of this problem arrived at in the draft regulation attached to the May 17 notice is appropriate. Thus, except for §§ 84.12

and 84.22, the proposed regulation does not take into account the cost or difficulty of eliminating discrimination in establishing the standards for what practices constitute discriminations, nor does it, with the exception of the time periods allowed for achieving program accessibility and for providing nondiscriminatory nonacademic services in Subpart D, provide time allowances. The Department agrees in principle with the concept that cost or difficulty are appropriate considerations, not in determining what constitutes discrimination, but in fashioning a remedy if a recipient has been found to be discriminating. It is believed, however, that in the area of architectural barriers the inability to make all existing buildings accessible immediately is so universal and the remedial process so inherently time consuming as to necessitate the use of the flexible standard of program accessibility and to grant time for meeting that standard in the regulation itself. With respect to use of a transition period for elementary and secondary education services, the consensus of commenters was that such a period could not be justified under the terms of the statute. A few commenters were, however, troubled by the potential for inconsistency with Public Law 94–142, which allows such a period. Further comments is therefore solicited on this subject.

As to the suggestion that recipients be relieved of individual (as distinguished from collective) compliance responsibilities, the Department considers that approach to be inimical to the underlying intent of the statute. Cooperative programs or consortia are, of course, encouraged in order to enhance the compliance efforts of individual recipients and the services provided by each to handicapped persons.

Another general issue upon which considerable comment was received derived from the statement in the Notice of Intent that "handicapped persons may require different treatment in order to be afforded access to federally assisted programs and activities, and identical treatment may, in fact, constitute discrimination." The commenters felt strongly that this concept had been overemphasized throughout the regulation. This overemphasis was found objectionable both in principle and in practice: in principle, because it serves to perpetuate the view of handicapped persons as "different," and in practice, because it was viewed as resulting in unnecessary reliance in the draft regulation on the use of separate services to meet the requirements of the statute. In response to these comments, the regulation has been rewritten in several sections so as to shift its emphasis in this regard. The intent of the regulatioins remains the same, however: To ensure that handicapped persons may participate in and benefit from the same services offered to nonhandicapped persons and that, where necessary and possible, adjustments are made in the provisions of regular services, and that separate services be used only where clearly essential.

Subpart A: Discussion of Specific Sections

Under § 84.2, the proposed regulation is applicable to all recipients of financial assistance from the Department of Health, Education, and Welfare and to each program or activity which receives or benefits from such assistance. The Secretary recognizes that recipients of Department funds vary considerably in size, complexity, and resources and that some of the requirements of this part may appear to exceed the resources of very small recipients. The basic requirements of Part 84, however, apply to every recipient. In addition, section 504 of the Rehabilitation Act of 1973 provides no exemption from its general prohibition against discrimination on the basis of the amount of Federal funds received.

In addition to the comments received concerning the three issues on Subpart A in the May 17 notice, the Department received many comments on specific sections in Subpart A. The definition of recipient at paragraph (f) of § 84.3 was the subject of considerable comment. This definition differed from the definition of recipient in the Department's title VI regulation in that it excluded providers of health services whose sole source of Federal support is title XIX of the Social Security Act (Medicaid). The Department had intended by this approach to invest in the state Medicaid agencies the primary responsibility for compliance with section 504 for those providers of services whose sole source of Federal funds was Medicaid.

The response to this approach was decidedly negative and reflected considerable confusion as to whether and in what manner section 504 applied to these providers. In response to the adverse comment and in order to clarify the Department's position that the obligations of section 504 apply to such providers of health services, § 84.3(f) has been changed by the deletion of the sentence which excluded these providers from the scope of the term "recipient." The effect of this change is that, in most states, such providers are themselves directly responsible for complying with the obligations of section 504. In some states, however, individual Medicaid providers will not be recipients of Federal financial assistance because the state Medicaid agency reimburses vendors through health insuring organizations by means of contracts of insurance. In any event, all providers are encompassed within the State's obligation to ensure that it distribute Federal funds in a nondiscriminatory manner and, therefore, such providers must carry out their federally assisted activities in a nondiscriminatory manner.

This change in § 84.3(f) has led to modifications in the sections concerning designation of a responsible employee and adoption of grievance procedures (§ 84.8), and dissemination of policy (§ 84.9) and the addition of standards for accessibility in Subpart F (§§ 84.52 (a)(2) and 84.53(b)). The obligation to comply with §§ 84.8 and 84.9 has now been limited to recipients with 15 or more employees because these compliance requirements are appropriate to large institutions but not to small vendors and other small recipients. This approach has the advantage of conforming this Department's enforcement role in regard to small recipients with the standard used under title VII of the Civil Rights Act of 1964. The Secretary solicits comment on the advisability of this approach.

Paragraph (h) defines Federal financial assistance so as to exclude contracts of insurance or guaranty. The exemption for such contracts, with respect to title VI and title IX, is contained in the respective statutes. It has been included in this proposed regulation for the sake of consistency in the administration of the Department's civil rights enforcement program and because of the Congressional directive, in the legislative history of the Rehabilitation Act Amendments of 1974, to implement section 504 in the same manner as title VI and title IX. Several comments pointed out, however, that the implications of, and justification for, this exemption may differ in the case of section 504. The Department therefore seeks further comment on this issue.

Paragraph (j) of § 84.3 defines the class of persons protected under the proposed regulation. The definition of handicapped person in paragraph (j)(1) conforms to the statutory definition of handicapped person that is applicable to section 504, as set forth in section 111 (a) of the Rehabilitation Act Amendment of 1974, Pub. L. 93–516.

The first of the three parts of the statutory and regulatory definition includes any person who has a physical or mental impairment that substantially limits one or more major life activities. The proposed regulation further defines physical or mental impairment and major life activities.

Physical or mental impairments are not, in general, defined by listing specific diseases and conditions because of the difficulty of ensuring the comprehensiveness of any such list. The term includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, mental retardation, emotional illness, and, as discussed above, drug and alcohol addiction. It should be noted that, under this part of the definition, a physical or mental impairment does not constitute a handicap unless its severity is such that it results in a substantial limitation of one or more major life activities.

The Department intends to interpret this first of the three parts of the definition so as to ensure that only physical and mental handicaps are included. Thus, environmental, cultural, and economic disadvantages are not in themselves covered by this part of the definition, nor are prison records, age, or homosexuality. If, however, a person who has any of these characteristics also has a physical or mental handicap, the person is included within the definition of handicapped persons, whether the handicap is the

cause or the result of, or is unrelated to, such characteristics.

In paragraph (j)(2)(i), physical or mental impairment is defined to include, among other impairments, specific learning disabilities. The Department will interpret the term as it is used in section 602 of the Education of the Handicapped Act, Pub. L. 91-230, as amended by Pub. L. 94-142. Paragraph (15) of section 602 uses the term "specific learning disabilities" to describe such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; it explicitly excludes learning problems that are primarily the result of environmental, cultural, or economic disadvantage. It should be noted that section 5(b) of Pub. L. 94-142 requires the Commissioner of Education to prescribe regulations concerning the definition of specific learning disabilities and, if he or she finds that changes in the statutory definition are necessary, to submit recommendations for legislation in that regard. The Office for Civil Rights will conform its interpretation of this term to that of the Office of Education and to any amended statutory definition under the Education of the Handicapped Act.

The second of the three parts of the statutory and regulatory definition of handicapped person includes any person who has a record of a physical or mental impairment that substantially limits major life activities. "Record" is further defined in the proposed regulation so as to include both history of, and inappropriate classification as having, a handicap. Thus, persons who have a history of a handicapping condition but no longer have the condition, as well as persons who have been incorrectly classified as having such a condition, are protected from discrimination under section 504. Frequently occurring examples of the first group are persons with histories of mental or emotional illness, heart disease, or cancer; of the second group, persons who have been misclassified as mentally retarded.

The third of the three parts of the statutory and regulatory definition of handicapped person includes any person who is regarded as having a physical or mental impairment which substantially limits one or more major life activities. Paragraph (j)(3) of the proposed regulation limits this part of the definition to three groups of people. The first two groups are described in (j)(3)(i) and (iii) and include, primarily, persons who are ordinarily considered to be handicapped but who do not technically fall within the first two parts of the statutory definition. Thus, a person whose physical or mental impairment has a less than substantial effect upon major life activities or has a substantial effect only upon minor life activities, such as a person with a limp, is considered handicapped for the purpose of section 504 if a recipient treats the impairment as constituting a handicap. The second group of persons who fall within this category, described at (j)(3)(ii), are those who have overcome their impairment to the point that any substantial limitation to major life activities is the result of the attitudes of other persons toward their impairment; this paragraph also includes some persons who might not ordinarily be considered handicapped, such as persons with disfiguring scars. Any limitations which such persons experience as a result of the impairment are not, in fact, caused by the disability but by the actions of other persons predicated on a view that the impairment constitutes a limitation.

Paragraph (j)(3)(iii) includes persons who have no physical or mental impairment but are treated by a recipient as if they were handicapped. If, for example, a nonhandicapped employee were to have a convulsion as a result of an atypical reaction to medication, any discriminatory employment practice based upon the conclusion that the person is epileptic would be prohibited by the proposed regulation.

Paragraph (k) of § 84.3 defines the term "qualified handicapped person." Throughout the proposed regulation, this term is used instead of the statutory term "otherwise qualified handicapped person." The Department believes that the omission of the word "otherwise" is necessary in order to comport with the intent of the statute because, read literally, "otherwise" qualified handicapped persons include persons who are qualified except for their handicap, rather than in spite of their handicap. Thus, a blind person might possess all of the qualifications for driving a bus except sight and could therefore be said to be an otherwise qualified handicapped person for the job of driving. In all other respects, the terms "qualified" and "otherwise qualified" are intended to be interchangeable.

With respect to preschool, elementary, and secondary educational services, a qualified handicapped person is defined, in paragraph (k)(3), in terms of age. As of the date of the passage of section 504 (September 26, 1973), a handicapped person is qualified for preschool, elementary, or secondary services if the person is of an age at which nonhandicapped persons are eligible for such services or at which State law mandates the provision of educational services to handicapped persons. This latter provision was added, for the reasons set forth below, in response to comment.

Several comments, in response to the question of whether eligibility for elementary and secondary education services should be based upon a standard of age or of substantial benefit, recommended the latter because of the need of many handicapped children for early or extended services if they are to have an equal opportunity to benefit from educational programs. Another comment noted the many States that have passed laws extending the age range, both below and above the normal range, during which handicapped children are to be provided educational services. It is believed that incorporating these State age ranges solves the problem of "substantial benefit" in a more administratively feasible manner than was proposed in the draft regulation attached to the Notice of Intent.

In addition, the extended age ranges for which recipients must provide full educational opportunity to all handicapped persons in order to be eligible for assistance under the Education of All Handicapped Children Act, Pub. L. 94-142, are incorporated by reference in paragraph (k)(3).

It should be noted that the definition of qualified handicapped person for purposes of private elementary and secondary schools is to be found, not in paragraph (k)(3), but in paragraph (k)(4), which applies to all services except those enumerated in the preceding paragraphs.

The definition of qualified handicapped person in paragraph (k)(4) drew considerable comment from persons concerned that it could be read to allow the imposition of eligibility requirements that themselves violate section 504. The wording of the paragraph has been slightly amended so as to clarify its intent: requirements that have the effect of excluding persons on the basis of handicaps may be imposed only if they bear a substantial relationship to the purpose of the activity in question.

Section 84.4 contains general prohibitions against discrimination applicable to all recipients of assistance from this Department and to the programs and activities operated by such recipients. This section has been changed to reflect the views of commenters who objected to the draft regulation's emphasis on different treatment. Thus, "equal" and "as effective as" have been substituted for "comparable" in paragraphs (b)(i) and (b)(ii), respectively, and, in paragraph (b)(2), different or separate services are prohibited except when necessary to provide equally effective benefits.

In this context, the term "equally effective" is intended to encompass the concept of equivalent, as opposed to identical, services and to acknowledge the fact that in order to meet the individual needs of handicapped persons to the same extent that the corresponding needs of nonhandicapped persons are met, adjustments to regular programs or the provision of different programs may sometimes be necessary. For example, a welfare office that uses the telephone for communicating with its clients must provide alternative modes of communicating with its deaf clients. This standard parallels the one established under title VI of Civil Rights Act of 1964 with respect to the provision of educational services to students whose primary language is not English. See "Lau v. Nichols", 414 U.S. 563 (1974). The rewording of this provision is intended to emphasize that, although separate services may be required in some instances, the provision of unnecessarily separate or different services is discriminatory.

Section 84.4(b)(1)(iii) is adopted from the title IX regulation and prohibits a

recipient from assisting another entity or person that subjects participants or employees in the recipient's program to discrimination on the basis of handicap. This section might apply, for example, to financial support by a recipient to a community recreational group or to a recipient's sanctioning of a professional or a social organization. Among the criteria to be considered in each case are the substantiality of the relationship between the recipient and the other entity involved, including financial support by the recipient, and whether the other entity's activities relate so closely to the recipient's program or activity that they fairly should be considered activities of the recipient itself.

One comment was concerned with the omission in the regulation of a provision prohibiting the exclusion of handicapped persons from advisory or planning councils. Such exclusion is implicitly prohibited by the provisions of § 84.4.

Section 84.5, except for paragraphs (a) (2) and (3), is adopted from the title VI and title IX regulations. Paragraph (a) (1) requires a recipient found to have discriminated on the basis of handicap to take remedial action to overcome the effects of that discrimination. Paragraph (a) (2) extends the responsibility for taking remedial action to a recipient that exercises control over a noncomplying recipient. Paragraph (a) (3) also makes clear that handicapped persons who are not in the program at the time that remedial action is required to be taken may also be the subject of such remedial action; this paragraph has been revised in response to comments in order to clarify that it does not apply to discrimination that occurred before the effective date of the regulation.

In response to comment, paragraph (c) of § 84.5 has been revised to require the participation of handicapped persons in the self-evaluation process. Comment is invited on this provision, especially as to the existence of special circumstances in the health and welfare areas that would make some aspect of this self-evaluation process unduly burdensome.

Section 84.6 requires, as do both the title VI and IX regulations, a recipient to submit to the Director an assurance that each of its programs and activities receiving or benefiting from Federal financial assistance from this Department will be conducted in compliance with this regulation. Because such an assurance is, in effect, a contract between the Department and the recipient, it has the effect of giving aggrieved persons who are beneficiaries of federally assisted programs or activities the right to seek judicial enforcement of the regulation, under the third party beneficiary principle of contract law. See "Lemon v. Bossier Parish," 240 F. Supp. 790 (W.D.La. 1965), aff'd 370 F.2d 847 (5th Cir. 1967), cert. denied, 388 U.S. 911 (1967).

Paragraph (b) of § 84.8 requires certain recipients to adopt and publish grievance procedures. The many comments received with respect to this provision were concerned with the following points: (1) That grievance procedures be published in alternative modes of communication, (2) that complainants not be compelled to exhaust the internal grievance mechanism before presenting their complaints to this Department, (3) that a specific time limit be placed on the recipient's response to individual complaints, (4) that the regulation set forth uniform due process standards to which the grievance procedures must conform, and (5) that recipients not be required to establish separate procedures under title IX and section 504.

The wording of this section has been changed to ensure that grievance procedures be disseminated in an effective manner, so as to ensure that visually and hearing impaired persons will be notified. Because of the expressions of concern and a certain amount of misunderstanding evidenced by the comments in this regard, it is important to note that the grievance procedures required under this paragraph are not exclusive but allow a complainant to make use of the Department's complaint process without exhausting the remedy herein provided. No specific standards or time limits have been added in this proposal because of the desirability of consistency with the title IX regulation.

The provisions of § 84.9, which set forth requirements concerning dissemination of policy, are in general self-explanatory. In response to a number of comments, the section has been revised to require that information be provided in alternative modes of communication so as to constitute effective notification to persons with visual or hearing impairments.

The Department's interpretation of paragraph (b) (2) of § 84.9, which prohibits use or distribution of publications that indicate that the recipient engages in discriminatory practices in violation of section 504, may also be worth noting. That paragraph is identical to the corresponding provision of the title IX regulation and will be similarly interpreted. It will not, for example, be deemed by the Department to preclude the use in a college catalog of a picture of a campus building with stairs but no ramp. It will be interpreted to require that such a catalog provide countervailing evidence, such as a picture that includes a ramp or students in wheelchairs, that handicapped students attend the institution and are not treated in a discriminatory manner.

Subpart B: Issues From Notice of Intent

Subpart B prescribes requirements for nondiscrimination in the employment practices of recipients of Federal financial assistance administered by the Department. This subpart generally follows the employment provisions of the Department's regulation implementing title IX of the Education Amendments of 1972, which, in turn, generally follow the Sex Discrimination Guidelines (29 CFR Part 1604) of the Equal Employment Opportunity Commission (EEOC), implementing title VII of the Civil Rights Act of 1964, and the regulation of the Office of Federal Contract Compliance Programs (OFCCP), United States Department of Labor (41 CFR Part 60), implementing Executive Order 11246. It is also, insofar as is possible, consistent with the provisions of the final regulation issued by the Department of Labor on April 16, 1976 at 41 FR 16147 effectuating section 503 of the Rehabilitation Act of 1973, as amended, which requires certain Federal contractors to take affirmative action in the employment and advancement of qualified handicapped persons. Almost all recipients who are subject to this Part 84 are also subject to title VII or title IX and many are also subject to Executive Order 11246 and to section 503.

The May 17, 1976 Notice of Intent included several issues on the subject of employment. The first of these issues involved the concepts of qualified handicapped person, reasonable accommodation, and undue hardship as used in the employment context.

Section 84.12 provides that a recipient shall make reasonable accommodation to the known physical or mental limitations of a handicaped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Where a handicapped person is not qualified to perform a particular job or where reasonable accommodation will not suffice to neutralize the effects of a person's handicap or will cause undue hardship, failure to employ or advance the handicapped person will not be considered discrimination, since the failure is due to objective and necessary criteria rather than to the fact that the applicant is handicapped. A recipient may not deny an employment opportunity to a person on the ground that reasonable accommodation will be necessary to enable that person to perform adequately on the job.

Reasonable accommodation includes such actions as job restructuring to shift duties and activities in a manner that will enable the handicapped person to perform the duties essential to the job without having to perform other duties that could as easily be done by someone else without undue hardship to the employer. Part-time employment is also a means of achieving reasonable accommodation. Reasonable accommodation with respect to employment also includes actions to make facilities used by employees readily accessible to and usable by handicapped persons. Such action may take the form of architectural modifications such as the addition of elevators, or it may take the form of location or relocation of particular offices or jobs so that they are in areas of the employer's facilities that are already accessible to and usable by handicapped persons. If such modifications or relocations would cause undue hardship, they need not be made.

Paragraph (c) of this section sets forth the factors that the Office for Civil Rights will consider in determining whether an accommodation necessary to enable an applicant or employee to per-

form the duties of a job would impose an undue hardship. Each of these factors (the size and type of the recipient's program and the nature and cost of the accommodation) will be given weight in the determination and will be measured in relative terms. Thus, a small day-care center might not be required to expend more than a nominal sum, such as that necessary to equip a telephone for use by an otherwise qualified deaf applicant for a secretarial position, but a large school district might be required to make available a teacher's aide to a blind applicant for a teaching job. The Department solicits comment as to any additional or alternative factors which should be considered in the determination of the existence of undue hardship.

The requirements of this regulation concerning reasonable accommodation are believed by the Secretary to constitute an interpretation of the term "otherwise qualified" as used in section 504 itself. The concept of reasonable accommodation represents an attempt to draw the line between persons who, but for their inability to perform certain job related tasks in the normal manner because of their handicap, would be fully qualified to perform the job in question, and persons who, despite reasonable accommodation, are unable to perform a necessary element of the job in question. A similar obligation is imposed upon Federal contractors in the regulation implementing section 503 of the Rehabilitation Act of 1973, administered by the Department of Labor, as noted above. That Department reports that it has experienced no difficulty in administering the requirement of reasonable accommodation or the limitation of undue hardship.

Thirty-five comments were directed particularly to the reasonable accommodation and undue hardship issues. Most of the comments appeared to favor the general concepts, although many suggested inclusion of a more detailed explanation of how the two terms would interact on a practical basis. Commenters were particularly interested in how and by whom decisions of employability would be made. These decisions will be made, in the first instance, by employers but will be subject to the review of the Department. In this regard, it is important to note that, under § 84.3(k)(1), the burden is placed on employers to demonstrate that a particular handicap would prevent an applicant or employee from performing the essential functions of the job in question. Some commenters favored deleting the undue hardship language; this proposal has been rejected.

The second employment issue raised in the May 17 Notice of Intent was the extent to which other provisions of the section 503 regulation should be included in the section 504 regulation. As noted earlier, the requirements in Subpart B generally follow the provisions of the Labor Department's section 503 regulation as well as those of other regulations controlling employment discrimination. About eight comments were received on this issue, all favoring consistency with the Department of Labor regulation. The proposed regulation includes sections on preemployment inquiries and reasonable accommodation that are similar to the DOL provisions.

The last employment issue raised in the May 17 notice concerned employment tests and other selection and promotion criteria and fringe benefits. About egiht comments on this issue were received. While most of those comments were couched in general terms, several suggested difficulties inherent in administration of a health benefits plan that covered handicapped persons. One comment pointed out the lack of "verifiable actuarial figures" to substantiate the fact that the provision of fringe benefits to handicapped employees results in increased costs. The same commenter also suggested inclusion in the section concerning employment testing of a reference to the availability of alternative performance measures to tests and other commonly used instruments. One such alternative measure might be a person's experience with a state vocational rehabilitation agency.

In addition to the issues raised in the notice, a number of comments were received on other questions pertaining to employment. Several commenters expressed views that the provisions in the draft went beyond the intent of section 504. On the other side, some commenters suggested that further detail and more stringent requirements than were contained in the draft be included.

The proposed regulation, as noted earlier, parallels the employment provisions of the regulations under title IX, title VII, and Executive Order 11246. A more specific description of the proposed regulation follows.

Subpart B: Discussion of Specific Sections

Section 84.12, the reasonable accommodation provision, has already been discussed. Section 84.13(a), which is almost identical to the parallel section of the title IX regulation and to the EEOC and OFCCP regulations, provides that no test or criterion for employment that has a disproportionate, adverse effect on the employment of handicapped persons or any class of handicapped persons may be used unless it has been validated as a predictor of performance in the position in question and alternative tests that do not have such a disproportionate effect are unavailable. This standard is based upon the principle established under title VII of the Civil Rights Act of 1964 in "Griggs v. Duke Power Company," 401 U.S. 424 (1971).

Section 84.13(b) requires that a recipient take into account that some tests and criteria depend upon sensory, manual, or speaking skills that may not themselves be necessary to the job in question but that may make the handicapped person unable to pass the test. The recipient must select and administer tests for any employment opportunity in such manner as is necessary to ensure that the test will measure the handicapped person's ability to perform on the job rather than that person's ability to see, hear, speak, or perform manual tasks, except, of course, where such skills are the factors that the test purports to measure. For example, a person with a speech impediment may be perfectly qualified for jobs that do not or need not, with reasonable accommodation, require ability to speak clearly. Yet, if given an oral test, the person will be unable to perform in a satisfactory manner. The test results will not, therefore, predict job performance but, instead, will reflect impaired speech.

Section 84.14 prohibits preemployment inquiry of an applicant as to whether the applicant is handicapped unless (1) the results are not used in connection with discrimination; (2) the inquiry is directed to determining whether the person has a handicap that would present a hazard to the person or to other employees on the particular job or would require accommodation; (3) the inquiry is accompanied by a statement assuring the nondiscriminatory use of its results; and (4) information concerning the medical condition or history of the applicant is obtained on a separate form which will be afforded confidentiality as a medical record. This provision is expected to be particularly helpful in eliminating discrimination against persons with nonvisible handicaps. The Department is aware that many persons with nonvisible handicaps advocate prohibition of any mandatory preemployment inquiry by employers concerning the presence of a handicap. This prohibition has not been incorporated into the proposed regulation, however, because the Department does not consider it to be within the mandate of the statute.

In response to comment, a new § 84.15 was added entitlement Recruitment. This section, which is modeled on a similar provision in the title IX regulation, prohibits discrimination on the basis of handicap in recruitment. It also provides that a recipient found to have violated the provision must specifically recruit handicapped persons of the type discriminated against so as to overcome the effects of the discrimination. For example, if a recipient is found to have been discriminating against deaf persons, and normal hearing is not essential to job performance, the recipient would be required to make specific attempts to recruit persons with impaired hearing. If, however, a recipient is also found to have discriminated against persons with various other types of handicaps, the corrective recruitment obligation would likewise extend to persons with those handicaps.

Section 84.16, formerly 84.15 in the draft regulation, prohibits employers from adopting or applying any policy or practice that results in discrimination on the basis of handicap in compensation for similar work on jobs whose performance requires similar skill and responsibility. Where, as a result of reasonable accommodation to a handicapped person's limitations, the person's duties are significantly different from those performed by others in the same job classification, dif-

ferent compensation may be provided, but the employer must be able to show that the difference in compensation is directly related to a significant difference in duties and responsibilities.

Finally, in response to comment, a new § 84.17 has been added entitled Job Classification and Structure. This provision is also patterned on the title IX regulation.

SUBPART C: ISSUES FROM NOTICE OF INTENT

In general, Subpart C prohibits the exclusion of qualified handicapped persons from federally assisted programs or activities by reason of the inaccessibility or unusability of a recipient's facilities. The May 17, 1976 notice sought public comment on whether section 504 prohibitions extend to architectural barriers and, if so, whether section 504 applies to existing as well as to new buildings. There was a substantial number of responses on this issue.

Most of the comments agreed that the protections of section 504 did, in fact, extend to the concept of architectural barriers and that the proposed regulation should apply to both new and existing buildings. The proposed regulation adopts the position that section 504 deals with the issue of the inaccessibility of buildings, whether new or existing, because the existence of architectural barriers operates to exclude handicapped persons from the federally assisted programs and services held within them.

SUBPART C: DISCUSSION OF SPECIFIC SECTIONS

A large number of comments were received on the cost of altering existing buildings to make them accessible. Recipients of funds from the Department, particularly institutions of higher education, sought various types of administrative relief concerning Subpart C, including a greater length of time to comply with the requirements of the proposed regulation, federal grants to aid recipients in the alteration of existing buildings, and the possibility of waiver of the requirements of the proposed regulation for certain recipients. On the other hand, handicapped persons and organizations representing handicapped persons noted that the statute itself allows no time periods or exceptions for recipients of Federal funds and therefore urged that the transition period for Subpart C be deleted and that cost not be considered in dealing with the issue of the physical accessibility of buildings.

Section 84.22 maintains the same standard for nondiscrimination in regard to existing facilities as was proposed in Appendix A in the May 17, 1976 notice. This section states that a recipient's program or activity, when viewed in its entirety, must be readily accessible to handicapped persons. Paragraph (a) makes clear that a recipient is not required to make each of its existing facilities accessible to, or usable by, handicapped persons if accessibility to the recipient's program or activity can be achieved by other means, such as by reassignment of classes to accessible buildings, by the assignment of aides to employees or beneficiaries, or by making alterations to only some of the recipient's existing facilities. Thus, for example, a university would not have to make all of its classroom buildings accessible to handicapped students. It would, however, have to undertake enough alterations, or, if some buildings were already accessible, reschedule enough classes so that it could offer all required courses and an adequate selection of elective courses in accessible buildings. For the university to exclude a handicapped student from a specifically requested course because it is not offered in an accessible building would constitute discrimination unless an equivalent course were made available.

Commenters representing several institutions of higher education have suggested that it would be appropriate for one postsecondary institution in a geographical area to be made accessible to handicapped persons and that other colleges and universities in that area participate in that school's program, thereby developing an educational consortium in a geographical area for the postsecondary education of handicapped students. While this approach would reduce the costs of eliminating architectural barriers and would foster the development of academic auxiliary aids and special curricula, it may be that such an approach would discriminate against qualified handicapped persons by restricting their choice in selecting institutions of higher education and therefore would be inconsistent with the basic objectives of the statute. The Secretary, however, would like to solicit public comment on this approach and other possible changes in the proposed regulation's approach to program accessibility that might reduce the burden on recipients of complying with this subpart.

There were several proposals concerning the length of the time period allowed by § 84.22(c) in the comments. One proposal suggested that the length of the time period should be dependent on the nature of the changes that a recipient is making. Thus, if a recipient makes alterations to its existing plant, constructs new buildings, or makes changes or modifications that result in substantial expenditures, it would be given four years within which to complete these changes. If, however, that recipient were making its program accessible by reassigning courses to existing buildings that are already accessible, by adding ramps to its buildings, by making other modifications that do not result in substantial financial cost, it would be given only one year within which to complete these changes. It is important to note that the existence of any time period does not mean that a recipient can postpone all action until the conclusion of the time period; the requirements of paragraph (d) of § 84.22 make it clear that action must be taken toward making the program accessible during each year of the time period.

Several commenters suggested that there should be no time period, while others suggested that recipients should be allowed to establish their own time periods. The Secretary believes that these approaches fail to recognize the balance between the needs of handicapped persons for access to postsecondary educational activities and the inherent difficulties in quickly making old buildings accessible. Comment, however, is specifically sought on these issues.

Finally, several commenters expressed concern that the program accessibility standard would result in the segregation of handicapped persons in educational institutions. The Secretary proposes to interpret the program accessibility standard and the general nondiscrimination requirement so that it would be a violation of section 504 either to segregate or concentrate persons with ambulatory impairments in classrooms, lecture halls, laboratories, or dormitories with handicapped persons who do not have ambulatory impairments or to isolate persons with ambulatory impairments from nonhandicapped students. Further, attention is drawn to the section of the proposed regulation that prohibits unnecessary separate treatment § 84.4(b)(2)), the section that requires mainstreaming of students in elementary and secondary schools (§ 84.35) and to the section that provides that appropriate housing be made available at the postsecondary level (section 84.45).

Alternative methods of complying with § 84.22 can also be used by providers of health and welfare services. Because there are many small providers in the health and welfare services areas, however, some approaches that they might use to achieve accessibility are of less general applicability and are therefore discussed further in the portion of the preamble concerned with these providers.

Under the provisions of § 84.23, a recipient is required to conform new design and construction, at a minimum, to the American National Standards Institute (ANSI) accessibility standards, as such standards are periodically and officially revised. Several comments noted that the ANSI standards are considered insufficient by many handicapped persons, but the Department believes that the fact that many states and Federal agencies have adopted the ANSI standards warrants their adoption in this regulation. An official revision of the standards is taking place at the present time and is expected to incorporate many of the recommendations of handicapped persons who are dissatisfied with the present standards.

Several commenters expressed concern that the use of the ANSI standards in the proposed regulation would undercut the existence of more stringent accessibility standards in several states, particularly Massachusetts. It is important to note that the provisions of this regulation establish minimum requirements for nondiscrimination. If a state or local government has accessibility standards that add other requirements and therefore extend beyond the ANSI standards, the state standards would not be in conflict with the proposed regulation.

Paragraph (b) of § 84.23 requires certain alterations to conform to the ANSI standards. If an alteration is undertaken to any portion of a building whose accessibility could be improved by the manner in which the alteration is carried out, then the alteration must be made in that manner. Thus, as minor an alteration as the installation of new carpeting is subject to the provisions of this section, since carpeting that enhances the ease of moving a wheelchair is available. Similarly, if a doorway or wall is being altered, the door or other wall opening must be made wide enough to accommodate wheelchairs. On the other hand, if the alteration consists of altering ceilings, the provisions of this section are not applicable because this alteration cannot be done in a way that affects the accessibility of that portion of the building.

Paragraph (d) of § 84.23 sets forth the manner in which the Department will coordinate its enforcement activities with the Architectural and Transportation Barriers Compliance Board in those situations in which a facility is subject to the requirements of this regulation and the requirements of section 502 of the Rehabilitation Act of 1973, as amended. The Architectural and Transportation Barriers Compliance Board has commented that, for buildings constructed with the assistance of Federal grants, this approach is not consistent with the overall statutory scheme of the Rehabilitation Act of 1973 and that such facilities are within the exclusive jurisdiction of the Board. The proposed regulation's position is based on the rationale that Federal construction funds, as a form of Federal financial assistance, confers jurisdiction under section 504, as well as under section 502.

Subpart D: Issues from Notice of Intent

Subpart D sets forth requirements for nondiscrimination in preschool, elementary, secondary, and adult education programs and activities, including secondary vocational education programs. The provisions of Subpart D, with the exception of § 84.33, apply to private education programs and activities as well as to public education programs and activities, and to State as well as to local educational agencies.

Two issues were raised in the Notice of Intent concerning Subpart D. The first of these is the degree to which the provisions of this subpart should conform to those of the Education of Handicapped Act, as amended by Pub. L. 94–142, and related Federal court cases. Although two commenters objected to any duplication of requirements, the remainder of the comments on this issue concurred with the position taken in the draft regulation that the principles enunciated in the court orders and embodied in Pub. L. 94–142 estabilsh the minimum standards for nondiscriminatory elementary and secondary education programs and should therefore be specifically set forth in this regulation.

Therefore, §§ 84.33 through 84.36 continue to conform in general to the standards established for the education of handicapped persons in "Mills v. Board of Education of the District of Columbia," 348 F. Supp. 866 (D.D.C. 1972), "Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania," 334 F. Supp. 1257 (E.D. Pa. 1971), 343 F. Supp. 1257 (E.D. Pa. 1971), 343 F. Supp. 279 (E.D. Pa. 1972), and "Lebanks v. Spears," 60 F.R.D. 135 (E.D. La. 1973), as well as in the Education of the Handicapped Act, 20 U.S.C. 601 et seq.

The notice also asked whether cost or other difficulty in complying should affect a recipient's obligations under this subpart. Comments on this issue from recipients uniformly noted the financial burden that would ensue from the requirements of the regulations; many requested Federal assistance. Those from handicapped persons or their representatives uniformly objected to the Department's having raised the issue; many quoted the following excerpt from "Mills v. Board of Education," 348 F. Supp. 866 (D.D.C. 1972):

> If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. 348 F. Supp. at 876.

The position of the Department with respect to this issue, stated more fully in the discussion of general issues above, is that neither cost nor other difficulty in complying are appropriate considerations in determining what practices constitute discrimination (except insofar as they are considered with respect to nonhandicapped persons), but that they may, in some instances, be relevant to determining an appropriate remedy.

Most of the comments concerning elementary and secondary education were directed to specific sections of the regulation. Much of the following discussion of these sections reflects the views presented in the comments.

Subpart D: Discussion of Specific Sections

Sections 84.34, 84.35, and 84.36 require, in general, that handicapped persons, regardless of the nature or severity of their handicap, be provided, in the most normal setting feasible, as suitable, adequate, and free an education as is provided to nonhandicapped persons. The requirements imposed in these sections are designed to ensure that no handicapped child is excluded from school on the basis of handicap and, if a recipient demonstrates that placement in a regular instructional setting cannot be achieved satisfactorily, that the student is provided with adequate alternative educational services suited to the student's needs without additional cost to the student's parents or guardian. For example, a recipient which operates a public school must either educate handicapped children in its regular program or provide such children with an appropriate alternative education at public expense, despite any resulting additional financial burden.

Section 84.34 sets forth the financial obligations of a recipient toward those handicapped persons who are legal residents of its jurisdiction. A child's legal residence is the residence of his or her parents or guardian. Thus, the substitution of the phrase "is a legal resident of" for the phrase "resides in" makes the recipient in whose jurisdiction a child's parents reside the fiscally responsible entity. This change is in response to the suggestion of several commenters that the proposed regulation make clearer the fiscal responsibilities of each concerned recipient. Programmatic responsibilities are discussed with reference to §§ 84.35 and 84.36.

Under this section, if the recipient does not itself provide handicapped persons with the requisite services, it must assume the cost of any alternative placement. If, however, a recipient offers adequate services and if alternative placement is chosen by a student's parent or guardian, then the recipient need not assume the cost of the outside services. If the parent or guardian believes that his or her child cannot be suitably educated in the recipient's program, he or she may, of course, make use of the procedural process incorporated in § 84.36(e).

It should be noted that this section extends the recipient's obligation beyond the provision of tuition payments: If a student is placed in a program which necessitates his or her being away from home, the payments must also cover room and board, transportation, and nonmedical care. Transportation must also be provided, through services or payments, if a nonresidential placement imposes transportation expenses upon a child's parents or guardian. One comment was received recommending that the regulation develop a reimbursement standard based on the financial means of the handicapped person's parents or guardian. This recommendation was rejected as being contrary to the intent of section 504. Another comment suggested that a recipient be responsible for costs of food only to the extent that such expenses exceed the cost of providing food for the child at home. The Department solicits comment as to the feasibility of adopting this standard in the final regulation.

The recipient's duty under sections 84.35 and 84.36 extends to each qualified handicapped person who resides in the receipient's jurisdiction. The phrase "resides in" is intended to encompass the concepts both of legal residence and actual presence in the recipient's jurisdiction. Thus, the recipient is responsible for ensuring that the requirements of these sections are met with respect to all students to whom it provides services, including those referred from other school districts, as well as to all students whom it refers to other public or private

schools, institutions, or agencies for services. It should be noted in this regard that referring a child to a noneducational agency does not absolve a recipient subject to this subpart of its responsibilities under these sections.

Section 84.35 provides that handicapped children shall be educated in the most normal setting feasible and may only be placed in special classes or separate schools when it is demonstrated by the recipient that education in the regular educational environment cannot be achieved satisfactorily. The wording of this section has been changed in response to the many comments that expressed a preference for the language of the corresponding provision in the Education of the Handicapped Act.

To meet the requirement of this section, a recipient must show that the needs of the individual handicapped person in question would, on balance, be furthered by placement outside the regular educational environment. It should be noted that, for many handicapped children, the most normal setting feasible is that which combines the use of special and regular classes.

Education in the most normal setting feasible is the education of handicapped persons, including those in public or private institutions or other care facilities, with persons who are not handicapped to the maximum extent appropriate. In addition, it is the education of handicapped children as close to home as is possible. Thus, as pointed out in several comments, the parents' right under § 84.36 (e) to challenge the placement of their child extends not only to placement in special classes or separate schools but also to placement in a distant school and, in particular, to residential placement. An equally appropriate educational program may exist closer to home; this issue may be raised by the parent or guardian under §§ 84.35 and 84.36(e).

The term "most normal setting feasible" is intended to encompass the same concept as the more commonly used "least restrictive alternative setting." It was chosen in preference to the latter term because placement alternatives cannot, in many instances, be compared on the basis of relative restrictiveness; i.e., while institutional education is indeed more restrictive than noninstitutional instruction, placement is special education classes is not necessarily more restrictive than instruction in regular classes. A number of comments objected to use of the word "feasible" as unnecessarily weakening the requirements of this section. It has been retained in the proposed regulation because it encompasses the concept of "capable of being achieved successfully" and thus takes into account the same considerations as does the revised language at the end of this section, adopted from Pub. L. 94–142.

It should also be noted that section 84.35 places a limit on the acceptable degree of flexibility allowed a recipient under Subpart C with respect to the physical accessibility of elementary and secondary school programs. The remedy set forth in Subpart C for discrimination resulting from the presence of architectural barriers does not require a school district to make every classroom and school building barrier-free; this provision may result in the placement of an orthopedically handicapped child away from his or her neighborhood school. However, under § 84.35, such a child may not be placed in a classroom or school that is primarily for handicapped children.

Section 84.36 concerns the provision of suitable educational services to handicapped persons and requires that such persons' individual educational needs be met to the same extent as are those of nonhandicapped persons. A suitable education could consist of education in regular classes, education in regular classes with the use of supplementary services, education in special instructional settings, separate education in private or public residential or nonresidential institutions or at home, or any combination thereof, so long as the placement is consistent with the requirements of § 84.35 and is the one best suited to the individual educational needs of the handicapped person in question. In addition, the quality of the educational services provided to handicapped students must be equal to those provided to nonhandicapped students; thus, handicapped students' teachers must be trained in the instruction of persons with the handicap in question and appropriate materials and equipment must be available. The Department is aware that the supply of adequately trained teachers may, at least at the outset of the imposition of this requirement, be insufficient to meet the demand of all recipients. This factor will be considered in determining the appropriateness of the remedy for noncompliance with this section.

Because the failure to provide handicapped persons with a suitable education is so frequently the result of misclassification or misplacement, paragraph (a) of § 85.36 makes compliance with its provisions contingent upon adherence to certain procedures designed to ensure appropriate classification and placement. These procedures are delineated in paragraphs (b) through (e) of § 84.36 and are concerned with testing and other evaluation methods and with procedural due process rights.

Paragraph (c) of § 84.36 establishes procedures designed to ensure that children are not misclassified or unnecessarily labeled as being handicapped because of inappropriate selection, administration, or interpretation of evaluation materials. This problem has been extensively documented in "Issues in the Classification of Children," a report by the Project on Classification of Exceptional Children, in which the HEW Interagency Task Force participated. The provisions of this paragraph are aimed primarily at abuses in the placement process that result from misuse of, or undue or misplaced reliance on, standardized scholastic aptitude tests. Subparagraph one requires recipients to provide and administer evaluation materials in the primary language of the student. Subparagraphs two through four are, in general, intended to prevent misinterpretation and similar misuse of test scores and, in particular, to avoid undue reliance on general intelligence tests. Subparagraph five requires a recipient to administer tests to a student with impaired sensory, manual, or speaking skills in whatever manner is necessary to avoid distortion of the test results by the impairment.

Subparagraphs six through eight require a recipient to draw upon a variety of sources in the evaluation process so that the possibility of error in classification is minimized. In particular, subparagraph seven requires that all significant factors relating to the learning process, including adaptive behavior, be considered. (Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of her or his age and cultural group.) In response to the concern expressed by several commenters that nontest data, even when collected, is commonly ignored, the proposed regulation includes a requirement that the weight given to each source be documented. In addition, subparagraph eight requires that a student not be placed outside the regular instructional setting if the information derived either from testing or from other sources results in a showing that the student does not need to be so placed.

Misclassification often constitutes discrimination on the basis of sex, race, or national origin as well as on the basis of handicap. In fulfillment of its responsibilities under title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972, the Office for Civil Rights, in August 1975, issued a memorandum to all chief state school officers and local school district superintendents on this subject. The enforcement of section 504, title IX and title VI will be closely coordinated with respect to this problem.

Paragraph (e) of § 84.36 incorporates from the Education of the Handicapped Act, 20 U.S.C. 1415, as amended by Pub. L. 94–142, certain due process procedures which a recipient must afford to parents or guardians before taking any action regarding the identification, evaluation, or educational placement of a person who, because of handicap, needs or is believed to need special instruction or related services. The safeguards thereby incorporated include the rights to prior notice, to examine relevant records and to obtain an independent evaluation of the person, to present complaints, and to obtain an impartial due process hearing. A recipient must also establish procedures for the protection of handicapped students who are wards of the state or whose parents or guardian are unknown or unavailable. In response to comments, the wording of this paragraph has been changed to ensure that, consistent with the requirements of Pub. L. 94–142, these procedures are available to parents before evaluation of their child is initiated.

Section 84.37 requires a recipient to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities. Because these services and activities are part of a recipient's education program, they must, in accordance with the provisions of § 84.35, be provided in the most normal setting feasible.

Paragraph (c) (2) does permit separation or differentiation with respect to the provision of physical education and athletics activities, but only if such action is necessary to further equal opportunity for participation by handicapped students. This paragraph of the proposed regulation has been changed in response to several comments noting that the draft regulation failed to make clear that the standard here is the same as the one for academic services. It is expected that little separation or differentiation will be necessary since most handicapped students are able to participate in one or more regular physical education and athletics activities. For example, a student in a wheelchair can participate in regular archery courses, as can a deaf student in wrestling. The preference of the handicapped student in question must be taken into consideration in determining whether separate classes are necessary in order to provide equal opportunity for participation.

Similar participation by handicapped students in the other services and activities enumerated in § 84.37 will, in most cases, be feasible. Where, however, a student's handicap is such that participation in regularly offered activities and services is not possible, the recipient must provide comparable activities and services in which the student can participate. For that reason, a recipient is allowed one year from the effective date of the final regulation to comply with the requirements of the section. Comment is solicited as to the advisability of including this one-year period in the final regulation.

Section 84.38 requires that any facilities that are identifiable as being for handicapped students be comparable in quality to other facilities of the recipient. Despite a number of comments that urged the elimination of this section on the basis that it encourages the creation and maintenance of such facilities, it has been retained in the proposed regulation. This section is intended only to acknowledge that such facilities may, in rare instances, be necessary, as might be the case, for example, for severely retarded persons, and to emphasize that, if so, section 504 requires that they be as adequately staffed and maintained as are the facilities of the recipient that are not identifiable for handicapped persons.

Subpart E: Issues From Notice of Intent

Subpart E generally follows the Department's title IX regulation and prescribes requirements for nondiscrimination in recruitment and admission of students to postsecondary education programs and activities, including vocational education programs and activities, as well as for the nondiscriminatory treatment of students in such programs and activities. In addition to a general prohibition of discrimination on the basis of handicap in § 84.42(a), the regulation delineates, in § 84.42(b), specific prohibitions relating to the establishment or use of quotas, the use of tests or selection criteria, and preadmission inquiry.

In the May 17 Notice of Intent to Issue Proposed Rules, the Department raised four issues concerning higher education. The first issue was whether federally assisted colleges and universities should be required to adjust certain academic requirements because of the limitations of otherwise qualified handicapped students and applicants. Most of the comments on this issue were in agreement that the proposed regulation should not provide for a waiver of course requirements for handicapped persons because such a waiver would result in the lowering of academic standards, would give a distorted picture of the handicapped student to the general public, and would fail to prepare handicapped students for the real world. It was noted that course requirements are often established because of the existence of state and professional licensing requirements, state and Federal accreditation standards, and various certification requirements and that waiver of such courses would, therefore, be impossible. Further comments asserted that federal involvement in postsecondary curricula not only contravenes the spirit of section 432 of the General Education Provisions Act but also is inadvisable Federal policy. Several comments suggested a preferred approach: Institutions of higher education should be required, not to waive, but to adapt specific courses of instruction to meet the individual needs of handicapped students. Under this approach an institution, in response to a specific situation, would develop an appropriate manner for a student to fulfill a required course, thereby meeting the student's needs and preserving the integrity of the course.

Paragraph (a) of § 84.44 in the proposed regulation requires that a recipient make certain adjustments to academic practices that discriminate or have the effect of discriminating on the basis of handicap. It specifically provides that academic requirements that have a discriminatory effect on handicapped students be modified in such a manner that the discrimination is remedied. This requirement, like its predecessor in Appendix A of the May 17 notice, does not obligate an institution to waive course or other academic requirements, but to accommodate them to the needs of specific handicapped students. For example, an institution could permit an otherwise qualified handicapped student who is deaf to substitute an art appreciation or music history course for a course in music appreciation or could modify the manner in which the music appreciation course is conducted for the deaf student. Where, however, such modifications or substitutions could be demonstrated by the recipient to violate interests that are essential to the recipient's program, they would not have to be made. It is important to note that under this approach, it is not the federal government, but the institution itself, through its faculty and staff, that determines the need for, as well as the type and extent of, the modification in question.

The second postsecondary education issue raised in the May 17 notice concerns the role of federally assisted colleges and universities in supplying auxiliary academic aids, such as taped texts, readers and interpreters, to handicapped students if such aids are not provided by the appropriate vocational rehabilitation agency. This issue generated a strong response from colleges and universities concerning the costs that would ensue from the provision of such services to handicapped students. These commenters asserted that the provision of auxiliary aids is not an appropriate education function for colleges and universities and that the financial burden for auxiliary aids should be borne by the student in conjunction with state vocational rehabilitation agencies, the Veterans Administration and private charitable organizations. Several commenters proposed that postsecondary educational institutions have a role in the provision of auxiliary aids but that the role be defined more narrowly than it was in paragraph (d) of § 84.44 of the May 17 draft. These commenters proposed that the recipient institutions should provide equipment that is permanent in nature and that could be used by groups of students, such as special library services and facilities for making equipment repairs, but that readers and interpreters should be considered as individualized or personal in nature and should not be provided by the institution. Several commenters suggested that recipient institutions should provide a centralized referral service that would refer students to existing financial sources for auxiliary aids as well as maintain lists of available and qualified readers, interpreters, and attendants.

Section 84.44(d) of the proposed regulation treats the issue of auxiliary aids and has been revised in response to the comments. Under paragraph (d) a recipient that provides a postsecondary educational program must take steps to ensure that no handicapped student is subjected to discrimination in the recipient's program because of the absence of necessary auxiliary educational aids for students with impaired sensory, manual or speaking skills. One manner by which a recipient could meet this obligation would be to develop a process to ensure that students are aware of and make use of such existing resources for auxiliary aids as state vocational rehabilitation agencies and private charitable organizations. Where no such existing resources supply auxiliary aids, the proposed regulation obligates the recipient to provide the

needed auxiliary aid. Auxiliary aids have been defined to include taped texts, interpreters for classrooms with deaf students, readers in libraries for students with visual impairments, or classroom equipment adapted for use by students with manual impairments, but not attendants, individually prescribed devices, readers for personal use or study, or other services of a personal nature.

The approach taken in § 84.44(d) should minimize the financial burden that many of the commenters feared would result from the requirement concerning auxiliary aids. It is the Department's understanding that the bulk of auxiliary aids will be paid for by state and private agencies, not by the colleges or universities. Where state and private agencies are so involved, the institution's responsibility will be only to facilitate the provision of these aids. In those circumstances where the recipient institution must provide the educational auxiliary aid, the flexibility which the prop the institution's curriculum. Other instricial impact. For example, some universities have utilized students who are earning degrees in fields related to handicapped persons to work with the institution's handicapped students as part of the institution's curiculum. Other institutions have used existing private institutions that, free of charge, tape existing texts for handicapped students to reduce the number of readers needed for visually impaired students. The Department believes there may be numerous creative approaches that can be used that are less costly for the institution but that guarantee that equal opportunity to participate in the recipient's educational program will be provided. Therefore, the Department welcomes suggestions on this subject.

The third issue raised concerning higher education sought public comment on the nature and extent of the responsibilities of federally assisted colleges and universities with respect to nonacademic and extracurricular activities and services, such as physical education, athletics, health services and physical therapy. While there was not a large number of responses on this issue, the commenters recognized that postsecondary institutions have an obligation to provide handicapped students with equal opportunities for participation in nonacademic and extracurricular services and activities. The comments stressed that the proposed rules should provide for flexibility in the approach taken in this area and generally agreed that the key concept should be the provision of comparable, and not necessarily identical, services. Several commenters noted that, in the area of intramural and intercollegiate athletics, there must be an identifiable and substantial interest as well as a significant number of handicapped persons if the requirements detailed in § 84.48(a) of the May 17 draft notice were to work properly.

The fourth issue concerning higher education raised the subject of cost and sought public comment on whether cost or difficulty in complying should affect the recipient's obligation to comply with section 504. This issue generated a great deal of comment, particularly from institutions of higher education, expressing concern with the cost of eliminating architectural barriers. Several commenters representing handicapped persons protested that seeking comment on the issue was inappropriate in that cost is not a factor that can be used to deny persons the basic human rights that section 504 guarantees. It is the Department's position on this issue that factors such as cost and difficulty in complying are not the appropriate focus of the determination of what constitutes discrimination, but that these factors can be considered in determining appropriate remedies.

Subpart E: Discussion of Specific Sections

Several comments focused on § 84.48(b) of the May 17 draft. This subsection provides that recipients which render academic, personal, or vocational counseling or guidance to students must do so in a nondiscriminatory manner, i.e., so that handicapped students are not counseled towards more restrictive career objectives or more restrictive available services than nonhandicapped students with similar interests and abilities. Several commenters noted that this provision might inhibit career counselors from informing handicapped persons of the difficulty or impossibility of pursuing certain professions because of the existence of certification or licensing requirements or because of obstacles concerning career preparation. The proposed regulation at § 84.48(b) has been modified to include this concept.

The standard established in § 84.42(b)(2) for admissions tests and other similar criteria parallels that used in the employment provisions of the regulations and is the same standard used in the May 17 draft. This provision prescribes overall success in the education program in question as the relevant criterion against which to validate any questionable selection device. Success in this context is to be measured in terms of students' entire scholastic record in the program in question and not just against first-year grades. The requirement that a test be validated as a predictor of success throughout the entire period of study in the program, rather than as a predictor of success in the first year of study, was based upon the fact that many handicapped persons, as a result of the discriminatory practices of recipients that operate elementary and secondary education programs, are not as thoroughly prepared for college as are nonhandicapped persons and therefore may take longer to demonstrate their capabilities in regard to college work. Because admissions test are commonly validated against first year grades, the Department was concerned that compliance with this requirement might be difficult. The comments received on this point, both from test users and test producers, considered this approach to be feasible.

Several comments addressed another aspect of test validation. They noted that, because of the small number of handicapped persons taking admissions tests, differential validation studies of tests for various subgroups of handicapped persons would be misleading, if not impossible. It is not the intent of their provision, however, to require differential validation with respect to subgroups of handicapped persons. If a test that has a disproportionate, adverse effect on handicapped persons can be validated with respect to the total population, this test would meet the requirements of § 84.42(b)(2). Because this issue is so important and because little comment was received on the Department's proposed approach, the Secretary is particularly seeking comment on the requirements of § 84.42(b).

Section 84.42(b) also requires a recipient to assure itself that admissions tests are selected and administered to applicants with impaired sensory, manual or speaking skills in such manner as is necessary to avoid unfair distortion of test results. Methods have been developed for testing the abilities and achievement of persons who lack the ability to take written tests or even to make the marks required for mechanically scored objective tests; in addition, methods for testing persons with visual or hearing impairments are available. A recipient, under this paragraph, must assure itself that such methods are used with respect to the selection and administration of any admissions tests that it uses.

Paragraph (c) of § 84.42 allows, in certain instances, the use of different admissions criteria with respect to handicapped persons. There was some adverse comment on this provision on the ground that it provides a basis for discriminatorily separate treatment. It is the intent of this paragraph to allow recipients whose regular admissions criteria do not adequately measure the academic potential of some handicapped persons to consider other factors in making admission decisions concerning such persons. Institutions are not given license to establish more rigorous standards for the admission of handicapped students by virtue of this paragraph; rather, they are permitted to expand the admissions process in ways that will positively affect the enrollment of such students. This provision thus parallels the approach taken by some institutions in their admissions procedures for minority students. The paragraph has been amended to clarify this intent and to limit its application to individual handicapped persons so as to remove its potential for allowing the establishment of separate programs.

Section 84.43 is the same as the corresponding section in the title IX regulation and contains general provisions prohibiting the discriminatory treatment of qualified handicapped students. Paragraph (b) of this section requires a recipient to develop and implement a procedure to ensure that the operator or sponsor of an education program or activity not operated wholly by the recipient, but in which the recipient requires

the participation of its students or employees, takes no action that the regulation would prohibit the recipient from taking. This requirement would apply, for example, to a college's responsibility to ensure that discrimination on the basis of handicap does not occur in connection with the teaching assignments of student teachers in schools not operated by the college. If the recipient finds that such discrimination is taking place and is unable to secure its prompt correction, it is required to terminate its connection with the operating or sponsoring entity.

Paragraph (c) of this section prohibits a recipient from excluding qualified handicapped students from any course, course of study, or other part of its education program or activity. This paragraph is designed to eliminate the practice of excluding qualified handicapped persons from specific courses and from areas of concentration because of factors such as ambulatory difficulties of the student or the assumption that no job would be available in the area in question for a person with that handicap.

Paragraph (a) of § 84.47 prohibits discrimination against qualified handicapped persons in the provision of financial assistance to students. It provides that recipients may not provide less assistance to or limit the eligibility of qualified handicapped persons for such assistance, whether the assistance is provided directly by the recipient or by another entity through the recipient's sponsorship. If, however, the recipient administers wills, trusts, or similar legal instruments that require awards to be made in a discriminatory manner, such awards are permissible, but only if the overall effect of the recipient's provision of financial assistance is not discriminatory on the basis of handicap.

The awarding of athletic scholarships is not prohibited by these provisions. Moreover, it will not be considered discriminatory to deny, on the basis of handicap, an athletic scholarship to a handicapped person if the handicap renders the person unqualified for the award. For example, a student who has cerebral palsy and is in a wheelchair could be denied a varsity football scholarship on the basis of handicap, but a deaf person could not, solely on the basis of handicap, be denied a scholarship for the school's diving team. The deaf person could, however, be denied a scholarship on the basis of comparative diving ability.

Paragraph (a) of § 84.48 establishes the same standards concerning nondiscrimination in the provision of physical education courses and athletic programs as does § 84.37(c) of Subpart D, discussed above, and will be interpreted in a similar fashion.

Subpart F: Issues From Notice of Intent

Subpart F applies to health, welfare, and social service programs and to recipients which operate such programs. The Department received few comments on the health and social services issue concerning whether the proposed regulation should contain provisions on an institutionalized person's right to receive or refuse treatment and on payment of fair compensation for work done by patients. Several commenters suggested that the regulation should cover these areas and several others noted that the Department did not have authority to regulate in this area under section 504. The proposed regulation takes the same position as the draft regulation appended to the May 17 notice; i.e., there are no provisions concerning adequate and appropriate psychiatric care or safe and humane living conditions for persons institutionalized because of handicap or concerning payment of fair compensation to patients who perform work. The Secretary is of the opinion that to promulgate rules on these subjects is beyond the authority of section 504.

Most of the comments which were received concerning the provision of health, welfare, and social service programs responded to the second issue on health and social services, particularly to the definition of recipient in § 84.3(f) of Subpart A. The definition did not include providers of health services whose sole source of Federal financial assistance is Medicaid. This provision has been changed in response to the public comments which the Department received and is discussed above under Subpart A.

Several commenters noted that Subpart F of the proposed regulation lacked specificity and provided little guidance beyond a general prohibition against discrimination. One comment recommended that the proposed regulation should deal more specifically with problems of accessibility in the health and welfare area as well as with the problem of communicative barriers. Several provisions have been added to § 84.52 concerning health services and § 84.53 concerning welfare and other social services in response to these comments. Under §§ 84.52 and 84.53, recipients operating health, welfare, and social service programs are expressly prohibited from denying these services to qualified handicapped persons.

Specifically, §§ 84.52(a)(2) and 84.53 (b) clarify the responsibilities of recipients who provide health, welfare, and social service programs concerning accessibility. These sections and the requirements of Subpart C are interrelated and require that each recipient's program be operated so that no handicapped person is denied the benefits of federally assisted programs. The Secretary realizes that it may be impossible for every such recipient to make the facilities in which its services are offered physically accessible, just as it may be for some school districts to make every classroom or every building accessible. In these circumstances, it would be the recipient's responsibility to make arrangements for referrals for handicapped persons to accessible services in the same geographical area; it would be the concomitant responsibility of the state agency which distributes Federal funds to these recipients to ensure that handicapped persons are not effectively denied these federally assisted services because they are inaccessible in a particular geographical area. Thus, for example, for a state Medicaid agency to be in compliance, a single doctor whose only Federal connection is under the Medicaid program, might simply be required to make house calls or make arrangements for referrals, rather than to make architectural modifications to ensure accessibility to his or her office. The basic intention of the statute and the regulation, however, remains that no handicapped person should be denied the benefits of federally assisted programs, including health services reimbursed under Medicaid. Therefore, the state Medicaid agency must ensure that these services, when viewed in their entirety, are readily accessible. The same rationale would apply to a small daycare center that receives Federal funds under the welfare program and to the state agency that channels Federal funds supporting the day-care center.

In terms of "program" size and administrative structure, there is no equivalent to the local school district in the health services delivery system. The Medicaid program is administered through geographic areas much larger than the customary school district program area, and the phrase "readily accessible" implies clear limits on the distance a handicapped person should be required to travel in order to find a physically accessible service. In terms of distance traveled, the concept of "catchment area," as used in the National Health Planning and Resources Act of 1974, Pub. L. 93-641, may be the most reasonable approach to a "program" area within which comparable services could be made readily accessible to handicapped persons. If so, one method of compliance for local physicians and the state Medicaid program administrators would be to ensure that handicapped persons have ready access, within the health service area, to a range of Medicaid reimbursed services comparable to that available for the nonhandicapped.

For example, if there were three neurologists accepting Medicaid patients within the health service area, the state Medicaid agency must ensure that at least one of them is readily accessible to handicapped patients. Therefore, the responsibility for any Medicaid provider whose office is not accessible would be to refer handicapped patients to an accessible physician offering comparable services within the area. Alternatively, the provider could arrange to make his or her services accessible to handicapped patients by scheduling a few hours each week in an accessible setting, such as a local clinic or hospital, or by calling at the home of such patients. The responsibility for nondiscrimination rests then with the state Medicaid agency and also with each individual practitioner who accepts Medicaid reimbursement.

The Secretary seeks comments especially upon the enforcement approach proposed above with respect to providers which receive Federal assistance solely

under Medicaid. Additionally, it has been proposed that the Health Service Agency which receives Federal funds for comprehensive health planning for each health service area be required to include in its annual plan a description of the specific arrangements which ensure compliance with this regulation within its health service area. Comment is also sought on this proposal.

SUBPART F: DISCUSSION OF SPECIFIC SECTIONS

In further response to the comments, §§ 84.52(a)(3) and 84.53(c) have been added to the proposed regulation. These sections require that recipients that provide notice and information of the health, welfare, or other social services or benefits that they offer must do so in a manner that can be understood by handicapped persons with impaired sensory or speaking skills. For example, if a hospital has developed pamphlets concerning the community health services that it offers, it must make the same information available through such media as will reach persons with visual impairments.

The Department acknowledges that different types of recipients in the health, welfare, and social service areas provide a variety of notices concerning their services and that these notices may be issued to the general public, to segments of the general public or, as in the case of prepaid group practice organizations (HMOs), to their members. Accordingly, the Department solicits comment on the types of notices used and on the nature of the groups intended to be reached by these notices. Comments are also welcome concerning the possible burdens that would result from this requirement and concerning methods of reducing them.

The Department has also added at § 84.52(a)(5) a provision requiring state agencies which provide health services to medically underserved areas to ensure that qualified handicapped persons are not denied such services because of handicap.

Under § 84.54, a recipient that operates or supervises a residential or day-care program or activity for persons who are institutionalized because of handicap must ensure that any such persons who are qualified for educational services are provided with a suitable education in accordance with the reqirements of Subpart D.

While there were several comments on the lack of specificity in Subpart F, few of these comments offered concrete suggestions or additions. The Secretary, therefore, seeks comments or suggestions on how this Subpart can be made more specific.

INVITATION TO COMMENT

Persons who wish to submit comments concerning this regulation should write to the Director, Office for Civil Rights, Department of Health, Education, and Welfare, P.O. Box 1909, Washington, D.C. 20013. In order to insure full consideration, comments should be submitted on or before September 14, 1976. Comments received after that date will be considered, if feasible, before the regulation is prepared in final form.

Comments received in response to this notice will be available for public inspection in Room 5400, 330 Independence Avenue, SW., Washington, D.C. 20201, between 9:00 a.m. and 5:30 p.m., Monday through Friday, except on Federal holidays, until the regulation is published in final form. Copies of representative comments received by the Director will also be made available for public inspection in the office of each Regional Director of the Office for Civil Rights during normal business hours.

The Regional Directors and their offices are located as follows:

Region I, Mr. John G. Bynoe, RKO General Building, 5th Floor, Bulfinch Place, Boston, Massachusetts 02114.

Region II, Ms. Barbara Walker (Acting), 26 Federal Plaza, Rm. 3908, New York, New York 10007.

Region III, Mr. Dewey Dodds, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19101.

Region IV, Mr. William Thomas, 50 Seventh Street, NE., Rm. 404, Atlanta, Georgia 30323.

Region V, Mr. Kenneth A. Mines, 309 W. Jackson Blvd., 10th Floor, Chicago, Illinois 60606.

Region VI, Ms. Dorothy D. Stuck, 1114 Commerce Street, Dallas, Texas 76202.

Region VII, Mr. Taylor D. August, 12 Grand Building, 12th and Grand Avenue, Kansas City, Missouri 64106.

Region VIII, Mr. David E. Florence, Federal Building, Rm. 11037, 1961 Stout Street, Denver, Colorado 80202.

Region IX, Mr. Floyd Pierce, 760 Market Street, Rm. 700, San Francisco, California 94102.

Region X, Ms. Marlaina Kiner, 6101 Arcade Plaza Bldg., 1321 Second Avenue, Seattle, Washington 98101.

This Part 84 is proposed under the authority of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and of section 111(a) of the Rehabilitation Act Amendments of 1974, 29 U.S.C. 706.

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. Accordingly, the Department has available on request an inflationary impact statement which presents estimates of the regulation's economic costs and benefits.

In consideration of the foregoing, it is proposed to add Part 84 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: July 13, 1976.

MARJORIE LYNCH,
Acting Secretary, Department of Health, Education, and Welfare.

PART 84—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Subpart A—General Provisions

Sec.
84.1 Purpose.
84.2 Application.
84.3 Definitions.
84.4 Discrimination prohibited.
84.5 Remedial action, affirmative action, and self-evaluation.
84.6 Assurances required.
84.7 Duration of obligation and covenants.
84.8 Designation of responsible employee and adoption of grievance procedures.
84.9 Dissemination of policy.
84.10 Effect of State or local law or other requirements and effect of employment opportunities.

Subpart B—Employment Practices

84.11 Discrimination prohibited.
84.12 Reasonable accommodation.
84.13 Employment criteria.
84.14 Preemployment inquiries.
84.15 Recruitment.
84.16 Compensation.
84.17 Job classification and structure.
84.18 Fringe benefits.
84.19–84.20 [Reserved]

Subpart C—Program Accessibility

84.21 Discrimination prohibited.
84.22 Existing facilities.
84.23 New construction.
84.24–84.30 [Reserved]

Subpart D—Preschool, Elementary and Secondary Education

84.31 Application of this subpart.
84.32 Preschool and adult education programs.
84.33 Location and notification.
84.34 Free education.
84.35 Most normal setting feasible.
84.36 Suitable education.
84.37 Nonacademic services.
84.38 Comparable facilities.
84.39–84.40 [Reserved]

Subpart E—Postsecondary Education

84.41 Application of this subpart.
84.42 Admissions and recruitment.
84.43 Treatment of students; general.
84.44 Academic adjustments.
84.45 Housing.
84.46 Health and insurance.
84.47 Financial and employment assistance to students.
84.48 Other prohibited discrimination.
84.49–84.50 [Reserved]

Subpart F—Health, Welfare, and Social Services

84.51 Application of this subpart.
84.52 Health services.
84.53 Welfare and other social services.
84.54 Education of institutionalized persons.
84.55–84.60 [Reserved]

AUTHORITY: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706).

Subpart A—General Provisions

§ 84.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 84.2 Application.

This part applies to each recipient of Federal financial assistance from the Department of Health, Education, and Welfare and to each program or activity that receives or benefits from such assistance.

§ 84.3 **Definitions.**

As used in this part, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516.

(b) "Section 504" means section 504 of the Act.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Secretary" means the Secretary of Health, Education, and Welfare.

(e) "Director" means the Director of the Office for Civil Rights of the Department.

(f) "Recipient" means any State or political subdivision thereof, any instrumentality of a State or political subdivision thereof, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, loan, contract, or any other arrangement, except contracts of insurance or guaranty, by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Property (both real and personal) or any interest therein or use thereof, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal government.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interests therein.

(j) "Handicapped person." (1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the term:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; and (C) any medically recognizable disorder or condition that has not been definitely characterized as physical, rather than mental, or as mental, rather than physical, or that is characterized as both physical and mental.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Record" means any documentation of a history of a mental or physical impairment which substantially limits one or more major life activities, whether or not that documentation is accurate or appropriate.

(3) As used in paragraph (j)(1) of this section, the phrase "is regarded as having an impairment" means (i) has a physical or mental impairment which does not substantially limit major life activities but which is treated by a recipient (or other person or entity acting for or in cooperation with the recipient) as constituting such a limitation, (ii) has a physical or mental impairment which substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (iii) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient (or other person or entity acting for or in cooperation with the recipent) as having such an impairment.

(k) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to postsecondary and vocational education services, a handicapped person who meets the academic or technical standards requisite to admission or participation in the recipient's education program or activity;

(3) With respect to public preschool, elementary, secondary, or adult educational services, a handicapped person (i) of any age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under State law to provide such services to handicapped persons, or (iii) to whom a State is required to provide a free appropriate public education under section 612 of the Education of the Handicapped Act, 20 U.S.C. 1412, as amended by section 5(a) of Pub. L. 94–142; and

(4) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(l) "Handicap" means any condition or characteristic which renders a person a handicapped person as defined in paragraph (j) of this section.

(m) "Student" means a person who has gained admission to an education program or activity.

§ 84.4 **Discrimination prohibited.**

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance, except as provided in §§ 84.22 and 84.37.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service or afford him or her an opportunity to do so which is not equal to that afforded others;

(ii) Provide a qualified handicapped person with an aid, benefit, or service which is not as effective as that provided to others;

(iii) Aid or perpetuate discrimination against a qualified handicapped person by providing assistance to any agency, organization, or person which discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program; or

(iv) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) A recipient may not provide different or separate aid, benefits or services to handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services which are as effective as those provided to others. For purposes of this paragraph, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result or to reach the same level of achievement, taking into account the nature of a particular person's handicap.

(3) In determining the types of aid, benefits, services, or facilities which will be provided, the class of persons to whom or the situation in which aid, benefits, services, or facilities will be provided, or the class of persons to be afforded an opportunity to participate in any program or activity, a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) which have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) which have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) which perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(4) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) which have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any pro-

gram or activity which receives or benefits from Federal financial assistance or (ii) which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(5) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance shall include any aid, benefit, or service provided in or through a facility which has been constructed, expanded, altered, or acquired, in whole or in part, with Federal financial assistance.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal law to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal law to a different class of handicapped persons is not prohibited by this part.

§ 84.5 Remedial action, affirmative action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of this part and where another recipient exercises control over the recipient which has so discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of this part, require a recipient to take remedial action with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred.

(b) *Affirmative action.* In the absence of a finding of discrimination in violation of this part, a recipient may take steps, in addition to any action which is required by this part, to overcome the effects of conditions which resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons, its current policies and practices and the effects thereof, in terms of the requirements of this part;

(ii) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(iii) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(2) For at least three years following completion of the evaluation required under paragraph (c)(1) of this section, recipients shall maintain on file and provide to the Director upon request a description of any modifications made pursuant to paragraph (c)(1)(ii) of this section and of any remedial steps taken pursuant to paragraph (c)(1)(iii) of this section.

§ 84.6 Assurances required.

An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Director, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

§ 84.7 Duration of obligation and covenants.

(a) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, the assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(b) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest therein from the Federal Government, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar serivces or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest therein from the Federal Government, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financial construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 84.8 Designation of responsible employee and adoption of grievance procedures.

(a) *Desgination of responsible employee.* A recipient that employes fifteen or more persons shall designate at least one person to coordinate its efforts to comply with and carry out its responsibilities under this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt and publish in an effective manner, grievance procedures providing for prompt and equitable resolution of complaints alleging any action prohibited by this part.

§ 84.9 Dissemination of policy.

(a) *Notification of policy.* (1) A recipient that employs fifteen or more persons shall implement specific and continuing steps to notify all participants, beneficiaries, applicants, employees, other interested persons, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in the programs which it operates and that it is required by section 504 and this part not to discriminate in such manner. The notification shall contain such information and make use of such modes of communication as is necessary to apprise handicapped persons of the protections against discrimination assured them by section 504 and this part. It shall, where appropriate, state that the requirement not to discriminate in programs extends to admission or access thereto and to treatment and employment therein and shall also state that inquiries concerning the application of section 504 and this part to the recipient may be referred to a person designated by the recipient or by the Director.

(2) A recipient shall make the initial notification required by paragraph (a)(1) of this section within 90 days of the effective date of this part. Notification shall include publication in local newspapers and in newspapers and magazines operated by or on behalf of the recipient.

(b) *Publications.* (1) A recipient that employs fifteen or more persons shall include a statement of the policy described in paragraph (a) of this section in a prominent place in those publications containing general information which it makes available to a participant, beneficiary, applicant, employee, or other interested person.

(2) A recipient may not use or distribute a publication of the type described in paragraph (b)(1) of this section

which indicates, by text or illustration, that the recipient treats participants, beneficiaries, applicants, or employees in a manner prohibited by section 504 and this part.

§ 84.10 Effect of State or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any State or local law or other requirement which, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligaton to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart B—Employment Practices

§ 84.11 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment, or in the recruitment, consideration or selection therefor, under any programs or activity to which this part applies.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not segregate or classify applicants or employes in any way which could adversely affect an applicant's or employee's opportunities or statuts because of handicap.

(3) A recipient may not participate in a contractual or other relationship which has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationship referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship prrograms.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structure, position descriptions, lines of progression, and seniority lists;

(5) Departure and return from leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient shall comply with this subpart regardless of the terms of any collective bargaining agreement to which it is a party.

§ 84.12 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of a handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation includes (1) making facilities used by employees readily accessible to and usable by handicapped persons and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant or determine a handicapped employee or applicant to be unqualified if the basis for the denial or determination is the necessity for reasonable accommodation to the physical or mental limitations of the employee or applicant as required in this section.

§ 84.13 Employment criteria.

(a) A recipient may not make use of any test or criterion which has a disproportionate, adverse effect on the employment opportunities of handicapped persons or any class of handicapped persons unless (1) the test or criterion, as used by the recipient, has been validated as a predictor of performance for the position in question and (2) alternative tests or criteria for such purpose which have a less disproportionate, adverse effect are shown to be unavailable.

(b) A recipient shall select and administer tests concerning employment in such manner as is necessary to ensure that, when administered to an applicant or employee who has a handicap which impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where such skills are the factors which the test purports to measure).

§ 84.14 Preemployment inquiries.

(a) A recipient may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap in a manner which results in discrimination prohibited by this subpart.

(b) Preemployment inquiries shall be limited to those necessary to determine whether the person has a handicap which would constitute a hazard to that person or to other employees or which would require accommodation under section 84.12.

(c) Preemployment inquiries shall be accompanied by a statement that the recipient is subject to this subpart and assuring that information obtained from the inquiries will not be used in a manner which would result in discrimination prohibited by this subpart.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected only through use of separate forms which shall be accorded confidentiality as medical records. Supervisors may, however, be given information and instructions necessary to the person's health and safety and may be informed of work restrictions and necessary accommodations.

§ 84.15 Recruitment.

A recipient may not discriminate on the basis of handicap in the recruitment and hiring of employees. A recipient found to be in violation of this paragraph shall specifically recruit handicapped persons of the type discriminated against so as to overcome the effects of the discrimination.

§ 84.16 Compensation.

A recipient may not adopt or apply any policy or practice which, on the basis of handicap, result in the payment of wages or other compensation to handicapped employees at a rate less than that paid to nonhandicapped employees for similar work on jobs whose performance requires similar skill and responsibility.

§ 84.17 Job classification and structure.

A receipient may not:

(a) Classify a job as being for handicapped or nonhandicapped persons;

(b) Maintain or establish, on the basis of handicap, separate lines of progression, seniority lists, career ladders, or tenure systems based on handicap; or

(c) Maintain or establish, on the basis of handicap, lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements, unless it can

be shown that the particular handicap necessitates such differentiation.

§ 84.18 Fringe benefits.

(a) In making fringe benefits available to employees, a recipient may not:

(1) Administer, operate, offer, or participate in a fringe benefit plan which does not provide for equal benefits to handicapped and nonhandicapped persons and equal contributions to the plan by handicapped and nonhandicapped persons unless any difference in benefits or contributions is justified by verifiable actuarial figures and an actual, substantial increase in cost to the recipient; or

(2) Otherwise discriminate on the basis of handicap.

(b) Fringe benefits include any medical, hospital, disability, accident, life insurance, or retirement benefit, service, policy, or plan, any profit sharing or bonus plan, leave, or any similar employment benefit or service.

Subpart C—Program Accessibility

§ 84.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 84.22 Existing facilities.

(a) *Program accessibility.* A recipient shall, through the elimination of physical obstacles or through other methods, operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph shall not necessarily be interpreted to require a recipient to make each of its existing facilities accessible to and usable by handicapped persons.

(b) *Methods.* In order to comply with paragraph (a) of this section, a recipient may employ such means as alteration of existing facilities, construction of new facilities, redesign of equipment, reassignment of classes to accessible buildings, assignment of aides to employees or beneficiaries, home visits by health and welfare agencies and providers, or any other methods which result in making its program or activity accessible to handicapped persons.

(c) *Time period.* A recipient shall achieve program accessibility as expeditiously as possible but in no event later than three years from the effective date of this part.

(d) *Transition plan.* A recipient which is not in compliance with paragraph (a) of this section on the effective date of this part shall develop, within six months of such date, a transition plan to achieve program accessibility. The transition plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities which limit the accessibility of its program or activity to handicapped persons;

(2) Establish priorities for achieving program accessibility on the basis of those activities which are most essential to beneficiaries of the recipient's program;

(3) Describe in detail the methods which will be used to make the recipient's program accessible;

(4) Specify the schedule for taking the steps necessary to achieve program accessibility and, if the time period of the transition plan is longer than one year, identify steps which will be taken during each year of the transition period in accordance with the priorities established under paragraph (d) (2) of this section;

(5) Indicate the person responsible for implementation of the plan; and

(6) Provide an opportunity for the involvement of interested persons, including handicapped persons, in the developmet of the transition plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons are informed (1) of the existence and location of accessible services and activities, (2) of facilities which are accessible to and usable by handicapped persons, and (3) of any transition plan developed pursuant to paragraph (d) of this section and the schedule established therein. The recipient shall make this information available in the form which allows effective notice to persons with impaired vision or hearing.

§ 84.23 New construction.

(a) *Design and construction.* Each facility or part of a facility designed or constructed by, on behalf of, or for the use of a recipient after the effective date of this part shall be designed or constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner which affects or could affect the usability of the facility or part of the facility shall be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* To meet the requirement of paragraphs (a) and (b) of this section, a recipient shall, at a minimum, conform the design, construction, and alteration of its facilities to the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc., as such standards are periodically and officially revised.

(d) *Architectural and Transportation Barriers Compliance Board.* If a facility of a recipient is subject to the requirements of this part and section 504 as well as to the requirements of section 502 of the Act and any applicable regulation promulgated by the Architectural and Transportation Barriers Compliance Board, the Department will, for a reasonable period of time not to exceed sixty days, defer action pending review by the Board.

Subpart D—Preschool, Elementary, and Secondary Education

§ 84.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs and activities which receive or benefit from Federal financial assistance and to recipients which operate, or which receive or benefit from Federal financial assistance for the operation of, such programs or activities.

§ 84.32 Preschool and adult education programs.

(a) A recipient which operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program of activity.

(b) A recipient which operates or sponsors a preschool compensatory education program or activity for children who are deemed disadvantaged because of cultural, economic, or linguistic conditions may not, on the basis of handicap, exclude qualified handicapped persons from its program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

§ 84.33 Location and notification.

A recipient which operates a public education program shall:

(a) Annually undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education;

(b) Notify handicapped persons and their parents or guardians of the recipient's duty under this subpart; and

(c) Publicize generally such duty, in accordance with the provisions of § 84.9.

§ 84.34 Free education.

(a) A recipient to which this subpart applies shall provide a free education to each qualified handicapped person who is a legal resident of the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) For the purpose of this section, the provision of a free education is the provision of suitable educational and related services without cost to the handicapped person or to his or her parents or guardians, except for those fees which are imposed on nonhandicapped persons or their parents or guardians. It may consist either of the provision of free services or, if a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this part, of grants in the amount of the cost of the services to the handicapped person or to his or her parents or guardians. If the program is resi-

dential, the provision of a free education also includes the provision of nonmedical care, room and board, and transportation.

§ 84.35 Most normal setting feasible.

A recipient shall provide educational and related services to each qualified handicapped person who resides in the recipient's jurisdiction in the most normal setting feasible and may not remove a handicapped person from, or place such person in a setting other than, the regular educational environment except when it is demonstrated by the recipient that the nature or severity of the person's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

§ 84.36 Suitable education.

(a) A recipient to which this subpart applies shall provide as suitable an education to each qualified handicapped person who resides in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap, as the recipient provides to nonhandicapped persons. For this purpose, the provision of a suitable education is the provision of educational and related services and materials that adequately meet the individual educational needs of the person in question, as determined by the recipient using criteria consistent with this part. In order to be suitable, the education of persons who, because of handicap, need or are believed to need special education or related services must be based upon adherence to procedures which satisfy the requirements delineated in paragraphs (b), (c), (d), and (e) of this section.

(b) *Preplacement evaluation.* A recipient may not take any action regarding the educational placement, denial of placement, or transfer of placement of a person who, because of handicap, needs or is believed to need special education or related services without fully and individually evaluating such person's special educational needs.

(c) *Evaluation procedures.* A recipient shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure, at a minimum, that:

(1) Tests and similar evaluation materials are provided and administered in the primary language of the student;

(2) Tests and similar evaluation materials have been properly and professionally validated for the specific purpose for which the recipient proposes to use them;

(3) Tests and similar evaluation materials are recommended by their producer for the specific purpose for which the recipient proposes to use them, are administered in conformance with the instructions provided by their producer, and are administered by trained personnel;

(4) Tests and similar evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(5) Test selection and administration is such that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors which the test purports to measure);

(6) No one test or type of test or other means of evaluation is used as the sole criterion for placement;

(7) Information from sources other than ability or achievement tests, including information concerning physical condition, sociocultural background, and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented; and

(8) If the information derived either from ability and achievement tests or from other sources results in a showing that the student does not, because of handicap, need instruction in a special setting, the student will not be placed outside the regular instructional setting.

(d) *Reevaluation.* A recipient shall provide to each student who has been placed in a special instructional setting an annual reevaluation of his or her educational needs and progress in accordance with the procedures established in paragraph (c) of this section and shall inform the student's parents or guardian of the results of the evaluation. The effectiveness of the special education and related services provided to each student shall be examined and shall be a factor in determining whether a change in the student's placement is to occur.

(e) *Procedural safeguards.* A recipient shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, the procedural safeguards delineated in paragraphs (b) through (e), except subparagraph (e)(2) and the last sentence of subparagraph (e)(1), of section 615 of the Education of the Handicapped Act, 20 U.S.C. 1415, as amended by section 5(a) of Pub. L. 94–142.

§ 84.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities include, but are not limited to, counseling services, physical education, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipient, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(3) A recipient shall comply with the provisions of this section as expeditiously as possible but in no event later than one year from the effective date of this part.

(b) *Counseling services.* A recipient to which this subpart applies which provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that handicapped students are not counseled toward more restrictive participation in available services or more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient which offers physical education courses or which operates or sponsors interscholastic, club, or intramural athletics shall provide to handicapped students an equal opportunity for participation in these activities.

(2) Physical education and athletic activities offered to handicapped students may be separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of section 84.35 and is demonstrated by the recipient to be necessary to provide handicapped students an equal opportunity for participation in these activities.

§ 84.38 Comparable facilities.

If a recipient, having clearly demonstrated the need for a separate facility, operates a facility which is identifiable as being for handicapped students, the facility and the educational services provided therein shall be comparable to the facilities and services of the recipient which are not so identifiable.

Subpart E—Postsecondary Education

§ 84.41 Application of this subpart.

Subpart E applies to postsecondary education programs and activities, including postsecondary vocational education programs and activities, which receive or benefit from Federal financial assistance and to recipients which operate, or which receive or benefit from Federal financial assistance for the operation of, such programs or activities.

§ 84.42 Admissions and recruitment.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) *Admissions.* In determining whether a handicapped person satisfies any policy or criterion for admission or in

making any offer of admission, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission which has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of overall success in the education program or activity in question and (ii) alternative tests or criteria which have a less disproportionate, adverse effect are shown to be unavailable;

(3) Shall assure itself that the selection and administration of admissions tests in such that, when an admissions test is administered to an applicant who has a handicap which impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where such skills are the factors which the test purports to measure); shall assure itself that admissions tests which are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and shall assure itself that admissions tests that it administers are administered in facilities which are readily accessible to handicapped persons; and

(4) May make preadmission inquiry as to whether an applicant for admission is a handicapped person in order to comply with this part but may not use the results of the inquiry in a manner which results in discrimination on the basis of handicap.

(c) *Different admissions criteria.* Where a recipient's criteria for admission do not adequately measure the qualifications of a particular handicapped applicant, a recipient may apply criteria for the admission of such applicant that differ from the criteria applied to nonhandicapped persons but only if application of such criteria (1) furthers equal educational opportunity for qualified handicapped persons, (2) does not constitute the giving of a preference on the basis of handicap, and (3) is useful as a predictor of completion of the education program or activity in question or of success in the occupation or profession for which the education program is designed to prepare students.

(d) *Recruitment.* (1) If a recipient to which this subpart applies recruits nonhandicapped applicants, it shall make comparable efforts to recruit handicapped applicants, except that the recipient may be required to undertake additional efforts to recruit handicapped applicants as remedial action pursuant to § 84.5(a) and may choose to undertake such efforts as affirmative action pursuant to § 84.5(b).

(2) A recipient shall include in its recruitment efforts schools which are primarily or exclusively for handicapped persons and shall make known to other schools from which it recruits applicants that it is subject to the provisions of this part.

§ 84.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, counseling financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity which receives or benefits from Federal financial assistance.

(b) A recipient to which this subpart applies which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by the recipient or which facilitates, permits, or considers such participation as part of, or equivalent to, an education program or activity operated by the recipient, including participation in educational consortia and cooperative employment and student teaching assignments, (1) shall develop and implement a procedure designed to assure itself that the operator or sponsor of the other education program or activity takes no action affecting any applicant, student, or employee of the recipient which this subpart would prohibit the recipient from taking; and (2) may not facilitate, require, permit, or consider such participation if such action occurs.

(c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

§ 84.44 Academic adjustments.

(a) *Academic requirements.* A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements which the recipient can demonstrate essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications include changes in the length of time permitted for the completion of degree requirements substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

(b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

(c) *Course examinations.* In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap which impairs sensory, manual, or speaking skills as are necessary to ensure that the results of the evaluation represent the students achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors which the test purports to measure).

(d) *Auxiliary aids.* (1) A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids include braille and taped texts, the availability of interpreters for classrooms for students with hearing impairments, the availability of readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, methods of making orally delivered materials available to students with hearing impairments, and other similar services and actions, but do not include attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 84.45 Housing.

(a) *Housing provided by the recipient.* A recipient which provides housing to its nonhandicapped students shall provide comparable and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in Subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is comparable to that of nonhandicapped students.

(b) *Other housing.* A recipient which assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner which does not result in discrimination on the basis of handicap.

§ 84.46 Health and insurance.

(a) *Health services.* In providing a health, medical, or hospital aid, benefit, or service to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap and shall provide handicapped students with health and similar services which are comparable to those provided to other students.

(b) *Insurance benefits.* In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient may not discriminate on the basis of handicap or provide such insurance benefit, service, policy, or plan in manner which would violate Subpart B if it were provided to employees of the recipient.

§ 84.47 Financial and employment assistance to students.

(a) *Provision of financial assistance.* (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i) on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate; or (ii) through solicitation, listing, approval, or provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of the recipient's students in a manner which discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may not administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments which require awards to be made on the basis of factors which discriminate or have the effect of discriminating on the basis of handicap unless the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not, on the basis of handicap, discriminatory.

(b) *Assistance in making available outside employment.* A recipient which assists any agency, organization, or person in making employment available to any of its students (1) shall assure itself that such employment is made available in a manner which would not violate Subpart B if it were provided by the recipient; and (2) may not render such assistance to any agency, organization, or person which discriminates on the basis of handicap in its employment practices.

(c) *Employment of students by recipients.* A recipient which employs any of its students may not do so in a manner which violates Subpart B.

§ 84.48 Other prohibited discrimination.

(a) *Physical education and athletics.* (1) In providing physical education courses and athletics and simliar programs and activiites to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient which offers physical education courses or which operates or sponsors intercollegiate, club, or intramural athletics shall provide to handicapped students equal opportunities for comparable participation in these activities.

(2) Physical education and athletic activities offered to handicapped students may be separate or different from those offered to nonhandicapped students only if the separation or differentiation is necessary to provide handicapped students an equal opportunity for participation in these activities.

(b) *Counseling and placement services.* A recipient to which this subpart applies which provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall, at a minimum, ensure that handicapped students are not counseled toward more restrictive participation in available services or more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing verifiable information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) *Social organizations.* A recipient which provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.

Subpart F—Health, Welfare, and Social Services

§ 84.51 Application of this subpart.

Subpart F applies to health, welfare, and other social service programs and activities which receive or benefit from Federal financial assistance and to recipients which operate, or which receive or benefit from Federal financial assistance for the operation of, such programs or activities.

§ 84.52 Health services.

(a) *Availability of services.* (1) A recipient which provides health benefits or services may not, on the basis of handicap, deny these benefits or services to qualified handicapped persons.

(2) A recipient which provides health benefits or services shall ensure that these benefits or services are accessible to qualified handicapped persons through use of the methods set forth in Subpart C, including making house calls, referring patients, arranging to meet patients in accessible facilities, and modifying facilities.

(3) A recipient which provides notice concerning health benefits or services shall take such steps as are necessary to ensure that qualified handicapped persons with impaired sensory or speaking skills are not denied effective notice because of their handicap.

(4) A recipient which provides health benefits or services may not deny these benefits or services through discriminatory application of policies regarding deposits, extension of credit, or other financial matters.

(5) A recipient state agency which provides or arranges for the provision of health benefits or services for populations that are medically underserved shall ensure that handicapped persons are not effectively denied these benefits or services because of their handicap.

(b) *Level of services.* (1) All health services shall be provided to handicapped persons at least to the same extent that they are provided to nonhandicapped persons and shall be provided in such manner as is necessary to afford handicapped person equal opportunity to benefit from these services.

(2) A recipient shall develop and implement procedures to assure itself that handicapped persons are not subjected to discrimination by reason of the recipient's referrals of such persons to other entities or persons providing health benefits or services.

§ 84.53 Welfare and other social services.

(a) *General.* In providing welfare or other social services or benefits, a recipient may not, on the basis of handicap:

(1) Deny a qualified handicapped person these benefits or services;

(2) Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified handicapped persons; or

(3) Subject a handicapped person to different standards of eligibility for the benefits or services.

(b) *Accessibility of services.* A recipient which provides welfare or other social services or benefits shall ensure that these services or benefits are accessible to qualified handicapped persons as provided in Subpart C of this part.

(c) *Notice.* A recipient which provides notice concerning welfare or other social services or benefits shall take such steps as are necessary to ensure that qualified handicapped persons with impaired sensory or speaking skills are not denied effective notice because of their handicap.

§ 84.54 Education of institutionalized persons.

A recipient to which this subpart applies and which operates or supervises a residential or day care program or activity for persons who are institutionalized because of handicap shall ensure that each qualified handicapped person, as defined in § 84.3 (k)(2), in its program or activity is provided a suitable education, as defined in § 84.36.

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federal register

FRIDAY, JULY 16, 1976



PART III:

POSTAL SERVICE

■

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Dates

POSTAL SERVICE

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

1. On September 18, 1975, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to Chapter 36 of Title 39, United States Code (Postal Rate Commission Docket No. R 76–1). Notice of this action was published in the FEDERAL REGISTER by the Postal Rate Commission on September 24, 1975 (40 FR 44044) and by the Postal Service on October 9, 1975 (40 FR 47589).

On June 30, 1976, the Postal Rate Commission transmitted to the Governors of the Postal Service its recommended decision in which it recommended permanent rates of domestic postage and fees for domestic postal services. On July 7, 1976, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (The Governors' decision, the record of the Commission's hearings, and the Commission's recommended decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260, and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates and fees listed below become effective as of 12:01 a.m., July 18, 1976.

2. The schedules A–1 through F set forth below shall be applicable from and after the time and date specified, until further notice, except that the phased rates set forth in schedules 1–7, which are applicable to the classes of mail and kinds of mailers identified in subparagraphs (1) and (2) of § 3626 of Title 39, shall instead be in effect, and the rates becoming effective shall be those set forth in the "year 5" column under the heading "Phased rates."

(39 U.S.C. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627.)

ROGER P. CRAIG,
Deputy General Counsel.

SCHEDULE A-1

First-Class, Airmail, and Business Reply

Mail Type	Postage Rate Unit	Rate Regular (cents)	Rate Presorted (cents) 1/
First-class:			
Letters	1st Ounce	13 2/	12/13
	Each add'l ounce	11 2/	11
Cards	Piece	9	8/9
Airmail:			
Letters	1st Ounce	17 3/	16/17
	Each add'l ounce	15 3/	15
Cards	Piece	14	13/14
Business Reply 4/	Up to 2 oz.	5	-
	Over 2 oz.	8	-

1/ Presorted first-class mail and airmail must be presented in a single mailing of 500 or more pieces properly prepared and presorted. The lower rate applies only to each piece of a group of ten or more pieces destined for the same five digit ZIP code or each piece of a group of fifty or more pieces destined for the same three digit ZIP code. A mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails presorted first-class mail or airmail. (Decision of the Governors of the United States Postal Service on Establishing a Mail Classification Schedule, June 2, 1976, Docket No. MC73-1, Phase I, §§100.23 and 101.23 of the Classification Schedule effective July 6, 1976).

2/ Rate applicable through 13 ounces. Heavier pieces are subject to priority mail rates.

3/ Rate applicable through 10 ounces. Heavier pieces are subject to priority mail rates.

4/ Restructuring of the business reply mail fee schedule so as to substitute advance deposit and non-advance deposit categories for the present weight-based structure will become effective on September 12, 1976. (Decision of the Governors, Docket No. MC73-1, Phase I, supra, page 1 and §103.2 of the Classification Schedule).

SCHEDULE A-2

Priority Mail

Postage Rate Unit (Pounds)	Rate 1/ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1	1.56	1.58	1.60	1.62	1.64	1.67
1.5	1.73	1.77	1.84	1.90	1.97	2.07
2	1.89	1.96	2.07	2.18	2.29	2.46
2.5	2.05	2.15	2.29	2.43	2.59	2.78
3	2.21	2.33	2.50	2.68	2.88	3.09
3.5	2.37	2.51	2.70	2.91	3.15	3.38
4	2.53	2.69	2.90	3.14	3.41	3.67
4.5	2.68	2.86	3.09	3.35	3.65	3.94
5	2.83	3.03	3.27	3.56	3.88	4.20
Each add'l. pound	.30	.34	.37	.42	.47	.52

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE B-1

Second-Class Mail: In-County and Transient

Mail Type	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	4.6
Per-piece	2.6
Per-copy-rate matter:	
Publications issued more frequently than weekly	3.9
Publications issued less frequently than weekly:	
copies weighing 2 ounces or less	3.9
copies weighing more than 2 ounces	5.2
Transient	
First 2 ounces	10
Each additional ounce	4

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate* (cents)
Per-pound		
Non-advertising portion	Pound	9.8
Advertising portion:**		
Zone: 1 & 2	Pound	13.2
3	Pound	14.2
4	Pound	15.2
5	Pound	16.7
6	Pound	18.7
7	Pound	20.7
8	Pound	23.1
Per-piece	Piece	4.0

* Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

** Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3

Second-Class Mail: Classroom Publications, Outside County

	Postage Rate Unit	Full Rate* (cents)
Per-pound		
Non-advertising portion	Pound	5.4
Advertising portion:		
Zone: 1 & 2	Pound	6.0
3	Pound	7.0
4	Pound	8.0
5	Pound	9.5
6	Pound	11.5
7	Pound	13.5
8	Pound	15.9
Per-piece	Piece	2.5

* Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail: Regular Rate Publications, Outside County

	Postage Rate Unit	Full Rate* (cents)
Per-pound		
Non-advertising portion	Pound	10.2
Advertising portion:		
Zone: 1 & 2	Pound	13.6**
3	Pound	14.4
4	Pound	15.6
5	Pound	17.4
6	Pound	19.4
7	Pound	21.4
8	Pound	23.5
Per-piece	Piece	4.3
Exceptions for publications mailing fewer than 5,000 copies per issue outside the county of publication:		
Per-piece	Piece	3.5

* Charges for second-class regular mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

** Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 13.2 cents.

SCHEDULE C

Controlled Circulation Mail

	Full Rate (cents)
Per-pound	13.6
Per-piece	4.5

SCHEDULE D

Third-Class Mail

	Full Rate (cents)
Single-Piece	
First 2 ounces	14
Next 2 ounces	14
Each additional 2 ounces	11
Keys & Identification Devices	
First 2 ounces	19
Each additional 2 ounces	14
Regular Bulk 1/	
Per-pound	
Ordinary matter*	36
Books, catalogs, etc.**	30
Minimum-per-piece	7.5/7.7***
Nonprofit Bulk 1/	
Per-pound	
Ordinary matter*	24
Books, catalogs, etc.**	20
Minimum-per-piece	3.7

* Ordinary matter includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. See former title 39 U.S.C. § 4452(a), printed in 39 U.S.C.A. (App. in 1976 Supp.).

** Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. Id.

***The lower minimum-per-piece rate applies to the first 250,000 pieces of regular bulk mail yearly.

1/ A mailing fee of $40 must be paid once each calendar year at each office of mailing.

SCHEDULE E-1

Fourth-Class Mail: Special and Library

	Full Rate (cents)
Special:	
First pound	
Not presorted	40
Presorted to 5-digit 1/	36
Presorted to 3-digit 2/	37
Each additional pound through 7 pounds	14
Each additional pound over 7 pounds	8
Library:	
First pound	29
Each additional pound	9

1/ For mailings of 500 or more pieces properly prepared and presorted to five digit destination ZIP codes (§ 400.331a(1) of the Classification Schedule effective July 6, 1976. See Decision of the Governors, Docket No. MC73-1, Phase I, supra, Appendix One, (page 1, n. 3). A mailing fee of $30 must be paid once each calendar year at each office of mailing

2/ For mailings of 2,000 or more pieces properly prepared and presorted to five digit and three digit destination ZIP Codes (§ 403.331a(2) of the Classification Schedule effective July 6, 1976. See Decision of the Governors, Docket No. MC73-1, Phase I, supra, Appendix One, page 1, n. 3). A mailing fee of $30 must be paid once each calendar year at each office of mailing.

SCHEDULE E-2

Fourth-Class Mail: Single Piece Bound Printed Matter 1/

Rates for Pieces Weighing Up To (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	.52	.62	.64	.67	.70	.73	.78	.84
2	.53	.65	.67	.71	.75	.79	.85	.93
2.5	.55	.68	.70	.75	.81	.86	.93	1.02
3	.57	.71	.74	.79	.86	.93	1.01	1.11
3.5	.59	.74	.78	.84	.91	.99	1.09	1.20
4	.61	.77	.81	.88	.96	1.05	1.17	1.31
4.5	.62	.79	.84	.93	1.01	1.11	1.25	1.40
5	.64	.82	.87	.96	1.06	1.17	1.32	1.49
6	.68	.88	.94	1.05	1.16	1.31	1.47	1.67
7	.71	.94	1.00	1.12	1.26	1.44	1.63	1.85
8	.75	1.00	1.07	1.20	1.37	1.57	1.78	2.04
9	.79	1.06	1.14	1.29	1.47	1.69	1.94	2.23
10	.82	1.11	1.20	1.38	1.58	1.81	2.10	2.42

1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976. See Decision of the Governors, Docket No. MC73-1, Phase I, supra, Appendix One, p. 1, n. 3).

SCHEDULE E-3

Fourth-Class Mail: Bulk Bound Printed Matter[1/]

Zones	Per Piece (cents)	Per Pound (cents)
Local	26	2.8
1 & 2	31	4.4
3	31	5.2
4	31	6.4
5	31	7.8
6	31	9.6
7	31	11.6
8	32	13.9

1/ Includes both catalogs and similar bound printed matter (§ 400.51 of the Classification Schedule effective July 6, 1976. See Decision of the Governors, Docket No. MC73-1, Phase I, supra, Appendix One, p. 1, n. 3).

SCHEDULE E-4

Fourth-Class Mail: Parcel Post[1/ 2/ 3/]

Zones	Per Piece (cents)	Per Pound (cents)
Local	68	4.5
1 & 2	76	7.0
3	76	8.5
4	83	10.5
5	88	13.5
6	93	17.5
7	96	22.0
8	96	26.0

1/ Full rate matrix is shown in schedule E-4a.

2/ Exceptions: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

Gold mailed within Alaska or from Alaska to other states and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

3/ Bulk parcel post: Consists of parcel post presented in a single mailing of 300 or more pieces properly prepared and presented separated by destination postage zone. The per piece rate is the single-piece parcel post rate for a piece having a weight equal to the average weight per piece for each zone. § 400.22 of the Classification Schedule effective July 6, 1976. See Decision of the Governors, Docket No. MC73-1, Phase I, supra, Appendix One, p. 1, n. 3).

SCHEDULE E-4a

Fourth-Class Mail: Parcel Post

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1&2	3	4	5	6	7	8
2	$0.77	$ .90	$ .93	$1.04	1.15	$1.28	$1.40	$1.48
3	.82	.97	1.02	1.15	1.29	1.46	1.62	1.74
4	.86	1.04	1.10	1.25	1.42	1.63	1.84	2.00
5	.91	1.11	1.19	1.36	1.56	1.81	2.06	2.26
6	.95	1.18	1.27	1.46	1.69	1.98	2.28	2.52
7	1.00	1.25	1.36	1.57	1.83	2.16	2.50	2.78
8	1.04	1.32	1.44	1.67	1.96	2.33	2.72	3.04
9	1.09	1.39	1.53	1.78	2.10	2.51	2.94	3.30
10	1.13	1.46	1.61	1.88	2.23	2.68	3.16	3.56
11	1.18	1.53	1.70	1.99	2.37	2.86	3.38	3.82
12	1.22	1.60	1.78	2.09	2.50	3.03	3.60	4.08
13	1.27	1.67	1.87	2.20	2.64	3.21	3.82	4.34
14	1.31	1.74	1.95	2.30	2.77	3.38	4.04	4.60
15	1.36	1.81	2.04	2.41	2.91	3.56	4.26	4.86
16	1.40	1.88	2.12	2.51	3.04	3.73	4.48	5.12
17	1.45	1.95	2.21	2.62	3.18	3.91	4.70	5.38
18	1.49	2.02	2.29	2.72	3.31	4.08	4.92	5.64
19	1.54	2.09	2.38	2.83	3.45	4.26	5.14	5.90
20	1.58	2.16	2.46	2.93	3.58	4.43	5.36	6.16
21	1.63	2.23	2.55	3.04	3.72	4.61	5.58	6.42
22	1.67	2.30	2.63	3.14	3.85	4.78	5.80	6.68
23	1.72	2.37	2.72	3.25	3.99	4.96	6.02	6.94
24	1.76	2.44	2.80	3.35	4.12	5.13	6.24	7.20
25	1.81	2.51	2.89	3.46	4.26	5.31	6.46	7.46
26	1.85	2.58	2.97	3.56	4.39	5.48	6.68	7.72
27	1.90	2.65	3.06	3.67	4.53	5.66	6.90	7.98
28	1.94	2.72	3.14	3.77	4.66	5.83	7.12	8.24
29	1.99	2.79	3.23	3.88	4.80	6.01	7.34	8.50
30	2.03	2.86	3.31	3.98	4.93	6.18	7.56	8.76
31	2.08	2.93	3.40	4.09	5.07	6.36	7.78	9.02
32	2.12	3.00	3.48	4.19	5.20	6.53	8.00	9.28
33	2.17	3.07	3.57	4.30	5.34	6.71	8.22	9.54
34	2.21	3.14	3.65	4.40	5.47	6.88	8.44	9.80
35	2.26	3.21	3.74	4.51	5.61	7.06	8.66	10.06

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1&2	3	4	5	6	7	8
36	$2.30	$3.28	$3.82	$4.61	$5.74	$7.23	$8.88	$10.32
37	2.35	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.39	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.44	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.48	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.53	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	2.57	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	2.62	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	2.66	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	2.71	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	2.75	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	2.80	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	2.84	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	2.89	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	2.93	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	2.98	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.02	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.07	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.11	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.16	4.61	5.44	6.61	8.31	10.56	13.06	15.26
56	3.20	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.25	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.29	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.34	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.38	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.43	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.47	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.52	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.56	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.61	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.65	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.70	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.74	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.79	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.83	5.66	6.71	8.18	10.33	13.18	16.36	19.16

SCHEDULE F-1

Special Services: Certified Mail

Description	Fee (in addition to postage)
Per piece	$0.60

SCHEDULE F-2

Special Services: COD Mail

Amount to be Collected or Insurance Coverage Desired	Fees (in addition to postage)
$ 0.01 to $ 10	$0.85
10.01 to 25	1.05
25.01 to 50	1.25
50.01 to 100	1.45
100.01 to 200	1.65
200.01 to 300	1.85
Notice of Nondelivery of COD	0.25
Alteration of COD charges or designation of new addressee	0.50

SCHEDULE F-3

Special Services: Insured Mail

Liability	Domestic Fees (in addition to postage)
$ 0.01 to $ 15	$0.40
15.01 to 50	0.60
50.01 to 100	0.80
100.01 to 150	1.00
150.01 to 200	1.20

SCHEDULE F-4

Special Services: Lockbox and Caller Service[1/]

A. RENTAL RATES FOR LOCKBOXES

Cubic inch capacity of lockboxes	Rate or fee per semiannual period				
	To 265	266 to	500 to	1,000 to	2,000 and over
Box size	1	2	3	4	5
Group 1:					
Subgroup A	12.50	15.00	20.00	25.00	30.00
Subgroup B	10.00	14.00	17.50	20.00	27.50
Subgroup C	8.00	10.00	12.50	17.50	22.50
Subgroup D	7.00	8.00	10.00	15.00	17.50
Subgroup E	5.50	6.50	7.50	12.50	15.00
Group 2:					
Subgroup F	2.50	3.00	4.00	6.00	7.50
Subgroup G	2.00	2.50	3.00	4.50	6.00
Subgroup H	1.50	2.00	2.50	3.50	4.00
Group 3:	1.00	1.00	1.00	1.00	1.00

B. CALLER SERVICE FEES

Description	Semiannual Fee
Per Caller Number or Separation	$35

1/ Rates implemented by USPS on July 1, 1975.

SCHEDULE F-5

Special Services: Money Orders

Amount	Fee (Domestic)
$ 0.01 to $ 10	$0.50
10.01 to 50	0.70
50.01 to 300	0.90
APO - FPO $0.01 to $300	0.15

SCHEDULE F-6

Special Services: Registered Mail

Value		Fees (in addition to postage) For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$ 0.00 to $	100	$2.10	$2.10
$ 100.01 to $	200	2.30	2.30
$ 200.01 to $	400	2.60	2.60
$ 400.01 to $	600	2.90	2.90
$ 600.01 to $	800	3.20	3.20
$ 800.01 to $	1,000	3.50	3.50
$ 1,000.01 to $	2,000	3.80	$3.50 plus handling charge of 25 cents per $1,000 or fraction over first $1,000
$ 2,000.01 to $	3,000	4.10	
$ 3,000.01 to $	4,000	4.40	
$ 4,000.01 to $	5,000	4.70	
$ 5,000.01 to $	6,000	5.00	
$ 6,000.01 to $	7,000	5.30	
$ 7,000.01 to $	8,000	5.60	
$ 8,000.01 to $	9,000	5.90	
$ 9,000.01 to $	10,000	6.20	
$10,000	$1,000,000	$6.20 plus handling charge of 25 cents per $1,000 or fraction over first $10,000	
$ 1,000,000 to $15,000,000		$253.70 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000	$253.25 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000
Over $15,000,000		Additional charges may be made based on considerations of weight, space and value	

REGISTERED COD CHARGE

	Fee
COD collection charge (maximum amount is $300)	$0.85

SCHEDULE F-7

Special Services: Special Delivery

Class/Weight	Fees (in addition to postage)
First Class	
Not over 2 pounds	$1.25
Over 2 pounds but not over 10 pounds	1.50
Over 10 pounds	1.75
Other Classes	
Not over 2 pounds	1.75
Over 2 pounds but not over 10 pounds	1.85
Over 10 pounds	2.15

SCHEDULE F-8

Special Services: Stamped Envelopes[1/]

A. PLAIN STAMPED ENVELOPES

Kind	Size	Denomination	Item No.	Prices: Less than 500	Prices: 500	Prices: 1,000
Regular	6-3/4	13¢	631	$ 0.15	$ 68.55	$137.10
	10	13¢	131	.15	69.20	138.40
Window	6-3/4	13¢	632	--	69.00	138.00
	10	13¢	132	--	69.85	139.70
Precanceled	6-3/4	2¢	683	--	13.55	27.10
	10	2¢	183	--	14.20	28.40

B. PRINTED STAMPED ENVELOPES

Kind	Size	Denomination	Item No.	Prices: 500 Only	Prices: Per 1,000	Prices: Each Add'l 500
Regular	6-3/4	13¢	631	$70.80	$141.10	$ 70.55
	10	13¢	131	71.45	142.40	71.20
Window	6-3/4	13¢	632	71.25	142.00	71.00
	10	13¢	132	72.10	143.70	71.85
Precanceled	6-3/4	2¢	683	15.80	31.10	15.55
	10	2¢	183	16.45	32.40	16.20

1/ Prices changed only to reflect increased postage rates.

SCHEDULE F-9

Special Services: Return Receipts

Description	Fees (in addition to postage)
Requested at Time of Mailing	
Showing to whom (signature) and date delivered	$0.25
Showing to whom (signature) and date and address where delivered	0.45
Requested After Mailing	
Showing to whom and date delivered	0.45

SCHEDULE F-10

Special Services: Address Corrections

Description	Fee
Per piece	$0.25

SCHEDULE F-11

Special Services: Certificates of Mailing

Description	Fees (in addition to postage)
Individual Pieces	
Original certificate of mailing for individually listed pieces of all classes of ordinary mail	$0.10 each
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and c.o.d. mail	0.10 each
Bulk Pieces	
Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:	
Up to 1,000 pieces (1 certificate for total number)	0.50
For each additional 1,000 pieces, or fraction	0.10
Duplicate copy	0.10

SCHEDULE F-12

Special Services: Correction of Mailing Lists

Description	Fee
Minimum	$1.00 (10 names or less)
Per name	0.10

SCHEDULE F-13

Special Services: Dead Letter Return Fee

Description	Fee
Per piece	$0.20

SCHEDULE F-14

Special Services: Permit-Imprint Fee

Description	Fee
Per permit	$20

SCHEDULE F-15

Special Services: Restricted Delivery

Description	Fee (in addition to postage)
Per piece	$0.60

SCHEDULE F-16

Special Services: Special Handling[1/]

Weight	Fees (in addition to postage)
Not over 2 pounds	$0.50
Over 2 pounds but not over 10 pounds	0.70
Over 10 pounds	1.00

1/ Available only for third-class, fourth-class and international mail.

SCHEDULE 1

SECOND CLASS PHASED RATES: IN-COUNTY

DESCRIPTION	POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/											
		YEAR											
		1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
		5	6	7	8	9	10	11	12	13	14	15	16
POUND-RATE MATTER:													
PER POUND	POUND	1.8	2.1	2.3	2.6	2.8	3.1	3.3	3.6	3.8	4.1	4.3	4.6
PER PIECE	PIECE	0.6	0.7	0.9	1.1	1.3	1.5	1.7	1.9	2.0	2.2	2.4	2.6
PER-COPY RATE MATTER:													
ISSUED MORE FREQUENTLY THAN WEEKLY	COPY	1.6	1.8	2.1	2.3	2.5	2.7	2.9	3.1	3.3	3.5	3.7	3.9
ISSUED LESS FREQUENTLY THAN WEEKLY:													
COPIES WEIGHING 2 OUNCES OR LESS	COPY	1.6	1.8	2.1	2.3	2.5	2.7	2.9	3.1	3.3	3.5	3.7	3.9
COPIES WEIGHING MORE THAN 2 OUNCES	COPY	2.7	2.9	3.1	3.4	3.6	3.8	4.1	4.3	4.5	4.7	5.0	5.2

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 2

SECOND-CLASS PHASED RATES: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS, OUTSIDE COUNTY

DESCRIPTION	POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/ YEAR											
		1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
		5	6	7	8	9	10	11	12	13	14	15	16
PER POUND:													
NONADVERTISING PORTION	POUND	3.7	4.2	4.8	5.3	5.9	6.5	7.0	7.6	8.1	8.7	9.2	9.8
ADVERTISING PORTION:													
ZONE: 1 + 2	POUND	6.0	6.7	7.3	8.0	8.6	9.3	9.9	10.6	11.2	11.9	12.5	13.2
3	"	6.7	7.4	8.1	8.8	9.5	10.1	10.8	11.5	12.2	12.8	13.5	14.2
4	"	8.2	8.9	9.5	10.1	10.8	11.4	12.0	12.7	13.3	13.9	14.6	15.2
5	"	9.9	10.5	11.1	11.7	12.3	13.0	13.6	14.2	14.8	15.5	16.1	16.7
6	"	11.0	11.7	12.4	13.1	13.8	14.5	15.2	15.9	16.6	17.3	18.0	18.7
7	"	11.7	12.6	13.4	14.2	15.0	15.8	16.6	17.4	18.3	19.1	19.9	20.7
8	"	12.5	13.5	14.5	15.4	16.4	17.3	18.3	19.3	20.2	21.2	22.1	23.1
PER-PIECE CHARGE	PIECE	0.8	1.1	1.4	1.7	2.0	2.3	2.6	2.8	3.1	3.4	3.7	4.0

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 3

SECOND-CLASS PHASED RATES: CLASSROOM PUBLICATIONS, OUTSIDE COUNTY

DESCRIPTION	POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/ YEAR											
		1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
		5	6	7	8	9	10	11	12	13	14	15	16
PER-POUND:													
NONADVERTISING PORTION	POUND	3.0	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.8	5.0	5.2	5.4
ADVERTISING PORTION:													
ZONE: 1 + 2	POUND	4.0	4.2	4.4	4.5	4.7	4.9	5.1	5.3	5.5	5.6	5.8	6.0
3	"	4.7	4.9	5.1	5.3	5.5	5.8	6.0	6.2	6.4	6.6	6.8	7.0
4	"	5.9	6.1	6.3	6.5	6.7	6.9	7.0	7.2	7.4	7.6	7.8	8.0
5	"	7.7	7.8	8.0	8.2	8.3	8.5	8.7	8.8	9.0	9.2	9.3	9.5
6	"	9.6	9.8	9.9	10.1	10.3	10.5	10.6	10.8	11.0	11.2	11.3	11.5
7	"	10.8	11.1	11.3	11.5	11.8	12.0	12.3	12.5	12.8	13.0	13.3	13.5
8	"	12.6	12.9	13.2	13.5	13.8	14.1	14.4	14.7	15.0	15.3	15.6	15.9
PER-PIECE CHARGE	PIECE	0.6	0.8	1.0	1.1	1.3	1.5	1.6	1.8	2.0	2.2	2.3	2.5

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 4

SECOND-CLASS PHASED RATES: REGULAR RATE PUBLICATIONS, OUTSIDE COUNTY

DESCRIPTION		POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/											
			YEAR											
			1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
			5	6	7	8	9	10	11	12	13	14	15	16
PER POUND:														
NONADVERTISING PORTION		POUND	6.9	8.0	9.1	10.2								
ADVERTISING PORTION:														
ZONE:	1 + 2	POUND	9.2	10.7	12.1	13.6								
	1 + 2 *	"	6.1	6.7	7.4	8.0	8.7	9.3	10.0	10.6	11.3	11.9	12.6	13.2
	3	"	10.1	11.5	13.0	14.4								
	4	"	11.6	13.0	14.3	15.6								
	5	"	13.6	14.9	16.1	17.4								
	6	"	15.7	16.9	18.2	19.4								
	7	"	17.4	18.7	20.1	21.4								
	8	"	19.7	20.9	22.2	23.5								
PER PIECE **		PIECE	2.1	2.8	3.6	4.3								
PER PIECE ***		PIECE	0.7	0.9	1.2	1.4	1.7	2.0	2.2	2.5	2.7	3.0	3.2	3.5

* SCIENCE OF AGRICULTURE.
** PUBLICATIONS MAILING 5,000 OR MORE COPIES PER ISSUE OUTSIDE COUNTY OF PUBLICATION.
*** PUBLICATIONS MAILING FEWER THAN 5,000 COPIES PER ISSUE OUTSIDE COUNTY OF PUBLICATION.

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 5

CONTROLLED CIRCULATION PHASED RATES

POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/			
	YEAR			
	1976	1977	1978	1979
	5	6	7	8
PER POUND	10.8	11.7	12.7	13.6
PER PIECE	3.2	3.6	4.1	4.5

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 6

THIRD-CLASS PHASED RATES

DESCRIPTION	POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/											
		YEAR											
		1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
		5	6	7	8	9	10	11	12	13	14	15	16
NONPROFIT BULK:													
ORDINARY MATTER	POUND	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0
BOOKS, CATALOGS, ETC.	"	11.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	17.0	18.0	19.0	20.0
MINIMUM-PER-PIECE	PIECE	2.0	2.1	2.3	2.5	2.6	2.8	2.9	3.1	3.2	3.4	3.5	3.7

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

SCHEDULE 7

FOURTH-CLASS PHASED RATES: SPECIAL AND LIBRARY

DESCRIPTION	POSTAGE RATE UNIT	PHASED RATES (CENTS) 1/ YEAR											
		1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
		5	6	7	8	9	10	11	12	13	14	15	16
SPECIAL:													
FIRST POUND, REGULAR RATE	POUND	25.0	30.0	35.0	40.0								
FIRST POUND, DISCOUNT LEVEL A	"	23.9	27.9	32.0	36.0								
FIRST POUND, DISCOUNT LEVEL B	"	24.2	28.4	32.7	37.0								
EACH ADDITIONAL POUND THRU 7 POUNDS	"	10.0	11.0	13.0	14.0								
EACH ADDITIONAL POUND	"	8.0	8.0	8.0	8.0								
LIBRARY:													
FIRST POUND	"	9.0	11.0	12.0	14.0	16.0	18.0	20.0	22.0	23.0	25.0	27.0	29.0
EACH ADDITIONAL POUND	"	4.0	4.0	5.0	5.0	6.0	6.0	7.0	7.0	8.0	8.0	9.0	9.0

1/ Each phased rate step begins on July 6 of the indicated year. For example, step 6 begins on July 6, 1977.

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federal register

FRIDAY, JULY 16, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The 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

Texas	TX76–4112, TX76–4113, TX76–4114, TX76–4116, TX76–4117, TX76–4118

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.

Arkansas:	
AR76–4111	July 2, 1976.
Colorado:	
CO76–5060	June 25, 1976.
Connecticut:	
CT76–2042; CT76–2043	Apr. 2, 1976.
Hawaii:	
HI76–5048	June 4, 1976.
Kansas:	
KS75–4197	Dec. 5, 1975.
Kentucky:	
KY75–1093; KY75–1095	Sept. 19, 1975.
KY75–1103	Oct. 17, 1975.
KY76–1028	Feb. 20, 1976.
KY76–1038	Mar. 12, 1976.
KY76–1058	May 21, 1976.
Nevada:	
NV76–5003	Jan. 16, 1976.
NV76–5046	May 21, 1976.
NV76–5053	June 11 ,1976.
North Carolina:	
NC76–1062	May 21, 1976.
Tennessee:	
TN76–1012	Jan. 16, 1976.
Texas:	
TX75–4196	Nov. 21, 1975.
Utah:	
UT76–5052	June 25, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their date of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AL75–1112 (AL76–1075)	Nov. 28, 1975.
Arkansas:	
AR76–4004 (AR76–4119)	Jan. 16, 1976.
California:	
CA76–5019 (CA76–5063); CA 76–5020 (CA76–5064).	Mar. 5, 1976.
Mississippi:	
AQ–4120 (MS76–1074)	June 7, 1974.
MS76–1003 (MS76–1076)	Jan. 9, 1976.
Texas:	
TX75–4092 (TX76–4115)	May 16, 1975.

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

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

STATE: Texas COUNTIES: Anderson, Cherokee & Henderson

DECISION NO.: TX76-4112 DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.30				
BRICKLAYERS	5.00				
CARPENTERS	4.80				
CEMENT MASONS	3.12				
ELECTRICIANS	6.35		1%		1/4%
IRONWORKERS	4.25				
LABORERS	2.30				
PAINTERS:					
Brush	4.00				
Tape & bed	5.00				
PLUMBERS	5.50				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	3.50				
TRUCK DRIVERS	2.50				

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.25				
Asphalt Raker	3.00				
Asphalt Shoveler	2.75				
Batching Plant Scaleman	2.50				
Carpenter	4.35				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.55				
Electrician	5.75				
Fireman	2.90				
Form Builder (Structures)	4.20				
Form Builder Helper (Structures)	3.00				
Form Liner (Paving and Curb)	3.60				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	4.10				
Form Setter Helper (Structures)	3.15				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.00				
Mechanic Helper	3.50				
Oiler	3.40				
Serviceman	3.75				
Pipelayer	3.50				
Reinforcing Steel Setter (Structures)	3.80				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	3.75				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.80				
Broom or Sweeper Operator	2.65				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.45				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75				

DECISION NO. TX76-4112

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	$ 4.85				
Foundation Drill Operator (Crawler Mounted)	4.75				
Foundation Drill Operator (Truck Mounted)	6.00				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.40				
Motor Grader Operator, Fine Grade	4.75				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.45				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.35				
Tractor (Crawler Type) 150 HP and less	3.65				
Tractor (Crawler Type) over 150 HP	4.40				
Tractor (Pneumatic) over 80 HP	3.60				
Traveling Mixer	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	4.35				
Welder	4.35				

STATE: Texas COUNTIES: Bosque, Freestone, Hill, Limestone, McLennan & Navarro

DECISION NO.: TX76-4113 DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	5.75				
CEMENT MASONS	5.63				
ELECTRICIANS	4.31				
IRONWORKERS	5.515	.15	.30		.02
LABORERS	3.00				
PAINTERS, BRUSH	4.50				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	4.00				
SHEET METAL WORKERS	4.25				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.88				
POWER EQUIPMENT OPERATORS:					
Front end loaders	3.95				
Motor graders	3.95				

DECISION NO. TX76-4113

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.80				
Asphalt Heaterman	3.40				
Asphalt Raker	3.55				
Batching Plant Scaleman	3.75				
Carpenter	4.20				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Paving and Curb)	3.65				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.25				
Laborer, Common	2.50				
Laborer, Utility Man	2.75				
Mechanic	4.25				
Mechanic Helper	3.40				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer	3.55				
Pipelayer Helper	2.75				
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.25				
Reinforcing Steel Setter Helper	2.90				
Sign Erector	3.45				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	4.25				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.15				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				

DECISION NO. TX76-4113

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Curing Machine	$ 3.50				
Concrete Paving Saw	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Op.	4.00				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	3.00				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.05				
Roller, Pneumatic (Self-Propelled)	3.10				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.25				
Trenching Machine, Light	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	3.25				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Weighman (Truck Scales)	2.50				
Welder	4.35				
Welder Helper	3.25				

STATE: Texas

COUNTIES: Camp, Delta, Fannin, Franklin, Hopkins, Lamar & Titus

DECISION NO.: TX76-4114

DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	4.00				
CEMENT MASONS	4.50				
ELECTRICIANS	4.30				
LABORERS:					
Laborers	2.59				
Mason tenders	3.00				
LATHERS	7.90				
PAINTERS:					
Brush	4.00				
Taper	4.00				
PLASTERERS	7.465	.35		.50	.03
PLUMBERS	5.64				
ROOFERS	5.00				
SHEET METAL WORKERS	4.77				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	4.625				

DECISION NO. TX76-4114

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	4.00				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	3.45				
Carpenter	4.25				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.40				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.35				
Form Liner (Paving and Curb)	4.05				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.00				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.10				
Mechanic Helper	3.25				
Oiler	3.35				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.75				
Pipelayer	3.75				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.25				
Swamper	3.30				

DECISION NO. TX76-4114

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.50				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.10				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	3.85				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	4.00				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.20				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.35				
Tractor (Pneumatic) over 80 HP	3.40				

DECISION NO. TX76-4114

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Traveling Mixer	$ 3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.80				
Lowboy-Float	3.50				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.00				

STATE: Texas COUNTIES: Gregg, Harrison, Rusk & Upshur

DECISION NO.: TX76-4116 DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.00				
BRICKLAYERS	6.00				
CARPENTERS	4.88				
CEMENT MASONS	3.965				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 3 families	5.50		1%		1%
Over 3 families	7.95	.40	1%		1/4%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.50				
LABORERS	3.98				
PAINTERS, BRUSH	5.25				
PLASTERERS	7.50				
PLUMBERS & PIPEFITTERS	6.40				
ROOFERS	3.00				
SHEET METAL WORKERS	5.50				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.00				

DECISION NO. TX76-4116

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	4.00				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	3.45				
Carpenter	4.25				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.40				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.35				
Form Liner (Paving and Curb)	4.05				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.00				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.10				
Mechanic Helper	3.25				
Oiler	3.35				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.75				
Pipelayer	3.75				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.25				
Swamper	3.30				

DECISION NO. TX76-4116

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.50				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.10				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	3.85				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	4.00				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.20				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP and Less	3.35				
Tractor (Pneumatic) over 80 HP	3.40				

DECISION NO. TX76-4116

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Traveling Mixer	$ 3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.80				
Lowboy-Float	3.50				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.00				

NEW DECISION

STATE: Texas COUNTIES: Smith, Van Zandt & Wood
DECISION NO.: TX76-4117 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.00				
CARPENTERS	5.00				
CEMENT MASONS	4.75				
ELECTRICIANS	5.25				
GLAZIERS	4.20				
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.94				
LABORERS	3.00				
LATHERS	5.80				
PAINTERS, BRUSH	4.50				
PLASTERERS	6.00				.01
PLUMBERS & PIPEFITTERS	4.10				
ROOFERS	4.50				
SHEET METAL WORKERS	4.00				
TILE SETTERS	4.125				
TRUCK DRIVERS	2.62				

DECISION NO, TX76-4117

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	4.00				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	3.45				
Carpenter	4.25				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.40				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.35				
Form Liner (Paving and Curb)	4.05				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.10				
Mechanic Helper	3.25				
Oiler	3.35				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.75				
Pipelayer	3.75				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.25				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	4.00				

DECISION NO. TX76-4117

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Broom or Sweeper Operator	$ 3.75				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.10				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	3.85				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	4.00				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.20				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and less	3.50				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.35				
Tractor (Pneumatic) over 80 HP	3.40				
Traveling Mixer	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				

DECISION NO. TX76-4117

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Single Axle, Light	$ 3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.80				
Lowboy-Float	3.50				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.00				

NEW DECISION

STATE: Texas COUNTIES: Ector & Midland
DECISION NO.: TX76-4118 DATE: Date of Publication
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.
ACOUSTICAL MECHANICS	$ 6.45				
ASBESTOS WORKERS	9.50	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	8.00				
CARPENTERS	6.10				
CEMENT MASONS	5.30				
ELECTRICIANS:					
ZONE 1 - shall include that area covered by the city limits of Midland & Odessa & extend out 20 miles therefrom	8.35	.40	1%		1/10%
ZONE 2 - Remainder of counties	8.65	.40	1%		1/10%
GLAZIERS	5.00				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.93	.55	.85		.10
All ironworkers on jobs 30 miles or more from Terminal (midway Odessa-Midland)	8.055	.55	.85		.10
LABORERS	3.07				
LATHERS	6.75				
PAINTERS:					
Brush	5.80		.20		.04
Spray	6.45		.20		.04
Tape & bed	5.925		.20		.04
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	6.85		.30		.02
ROOFERS	5.65				
SHEET METAL WORKERS	7.30	.29	.10		.005
TILE SETTERS	5.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.90				
Bulldozers	4.50				
Cranes, derricks, draglines	5.59				
Foundation drills	4.12				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

MODIFICATIONS P. 1

DECISION NO. AR76-4111 - Mod. #1
(41 FR 27547 - July 2, 1976)
Statewide, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS:					
Pipelayers	$3.60				
ADD:					
Backhoe, operator - rubber tired (1 yard or less)	4.16				
Cherry picker operator	4.00				

MODIFICATIONS P. 2

DECISION #CO76-5060 - Mod. #1
(41 FR 26441 - June 25, 1976)
Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	$10.20	.42	1%+.25		1½%
Cable Splicers	10.45	.42	1%+.25		1½%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Alamosa, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone I (within 12 miles from Pueblo Main P. O.)					
Electricians	10.70	.52	1%+.65		1%
Cable Splicers	11.77	.52	1%+.65		1%
Zone II (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. in Canon City)					
Electricians	11.10	.52	1%+.65		1%
Cable Splicers	12.17	.52	1%+.65		1%
Zone 3 (30 to 40 miles from Pueblo Main P. O.)					
Electricians	11.45	.52	1%+.65		1%
Cable Splicers	12.52	.52	1%+.65		1%
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	12.58	.52	1%+.65		1%
Cable Splicers	13.65	.52	1%+.65		1%

DECISION NO. CT76-2042 - Mod. #3
(41 FR 14276 - April 2, 1976)
Fairfield, Litchfield, New London, & Windham Counties, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Fairfield Co.: Norwalk (east of Five Mile River), Weston, Westport, & Wilton:					
Residential construction	$5.30	.68	1%+.30	6%	¼%
Litchfield Co.: Plymouth					
Building construction	9.87	1.00	1%+.50		¼%
Painters:					
Fairfield Co.: Greenwich					
Brush; Structural steel; Paperhangers; Tapers	7.90	.20	.75	.30	
Spray	11.85	.20	.75	.30	
Plumbers; Steamfitters:					
Litchfield Co.: Bantam, Barkhamsted, Canaan, Colebrook, Cornwall, Falls Village, Goshen, Harwinton, Kent, Lakeville Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, Warren, Winchester, & Winsted	9.64	.83	.70	t	.05
Litchfield Co.: Bethlehem, New Preston, Plymouth (incl. Terryville), Roxbury, Thomaston, Washington, Watertown, & Woodbury	10.00	.83	.70	t	.05
Roofers:					
Litchfield Co.: Bantam, Canaan, Colebrook, Cornwall, Cornwall Bridge, E. Canaan, Falls Village, Gaylordsville, Goshen, Lakeside, Litchfield, Marbledale, Morris, New Hartford, New Preston, Norfolk, Northfield, Oakville,					

DECISION NO. CT76-2042 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers Cont'd:					
Pequabuck, Pine Meadow, Pleasant Valley, Plymouth, Riverton, Salisbury, Sharon, South Kent, Taconic, Terryville, Thomaston, Torrington, Washington Depot, Watertown, West Cornwall, West Goshen, Winchester Center, & Winsted; New London Co.; & Windham Co.:					
Composition	$8.75	.525	.70	.55	
Slate & Tile	9.25	.525	.70	.55	

DECISION NO. CT76-2043 - Mod. #3
(41 FR 14285 - April 2, 1976)
Hartford, Middlesex, New Haven, & Tolland Counties, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers; & Tile setters (Building Construction):					
Hartford Co.: Berlin, Kensington, New Britain, Newington, Plantsville, & Southington; New Haven Co.: Meriden	$9.60	.50	.50		
New Haven Co.: Bethany, Branford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, W. Haven, Woodbridge, part of Milford, & parts of Cheshire	9.55	.65	.50		
Electricians:					
Hartford Co.: Berlin, Bristol, New Britain, Newington, Plainville, & Southington	9.87	1.00	1%+.50		¼%

DECISION NO. CT76-2043 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers; Steamfitters:					
New Haven Co.: Middlebury, Southbury, S. Britain, Waterbury, & Wolcott	$10.00	.83	.70	v	.05
Hartford Co.: Hartland	9.64	.83	.70	v	.05
Roofers:					
Hartford Co.; Middlesex Co.; New Haven Co.: Cheshire, Meriden, Prospect, Wallingford, & Wolcott; & Tolland Co.:					
Composition	8.75	.525	.70	.55	
Slate & Tile	9.25	.525	.70	.55	

DECISION #HI76-5048 - Mod. #2
(41 FR 22739 - June 4, 1976)
Statewide, Hawaii

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Dredging: Hydraulic Suction Dredges; Clamshell Dredges;					
Boat Operators; Derricks:					
Leverman	$9.29	.65	$1.70	.70	.15
Operators (Derricks, Piledrivers and Cranes)	9.54	.65	1.70	.70	.15
Assistant Engineer (steam or electric)	8.93	.65	1.70	.70	.15
Welder	8.93	.65	1.70	.70	.15
Boat Operator	8.99	.65	1.70	.70	.15
Deckmate; Barge Mate (seagoing)	8.48	.65	1.70	.70	.15
Winchman (stern winch on dredge)	8.16	.65	1.70	.70	.15
Fireman	7.20	.65	1.70	.70	.15
Oiler; Deckhand (can operate anchor scow under direction of deckmate);	6.93	.65	1.70	.70	.15
Boat Deckhand	6.98	.65	1.70	.70	.15
Leveeman; Bargeman	6.76	.65	1.70	.70	.15
Master Boat Operator	9.29	.65	1.70	.70	.15
Roofers	8.40	.70	.45		.10
Truck Drivers:					
Flatbed	6.93	.65	.50		
Dump, 8 yds. and under; Water truck (up to and including 2000 gals.)	7.20	.65	.50		
Water truck (over 2000 gals.)	7.51	.65	.50		
Tandem, Semi-trailer or Semi-dump	8.16	.65	.50		
Slip-in or Pup	8.48	.65	.50		
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor trailer (hauling equipment)	8.59	.65	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS75-4197 - Mod. #2					
40 FR 57091 - December 5, 1975)					
Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Saline, Sumner, Wabaunsee, Wilson and Woodson Counties, Kansas					
Change: Areas covered to include Geary and Riley Counties for Highway Construction only.					
DECISION # KY75-1093 - Mod. # 1					
(40 FR-43456 - September 19, 1975)					
Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall. Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster Counties, Kentucky.					
Change:					
Heavy Construction					
POWER EQUIPMENT OPERATORS:					
Class A	9.65	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05
Highway Construction					
POWER EQUIPMENT OPERATORS:					
Class A	8.45	.35	.35		.05
Class B	7.00	.35	.35		.05
Class C	6.41	.35	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY75-1095 - Mod. # 1					
(40 FR-43459 - September 19, 1975)					
Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jassamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owens, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Kentucky.					
Change:					
Heavy Construction:					
POWER EQUIPMENT OPERATORS:					
Class A	9.65	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05
Highway Construction:					
POWER EQUIPMENT OPERATORS:					
Class A	8.45	.35	.35		.05
Class B	7.00	.35	.35		.05
Class C	6.41	.35	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY75-1103 - Mod. # 2 (40 FR-48860 - October 17, 1975) Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrare, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, and Wolfe Counties, Kentucky					
Change:					
Heavy Construction:					
POWER EQUIPMENT OPERATORS:					
Class A	9.65	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY76-1028 - Mod. # 4 (41 FR-7905 - February 20, 1976) Franklin County, Kentucky					
Change:					
Ironworkers:					
Structural, ornamental	10.50	.75	.85		.05
Reinforcing	10.50	.75	.85		.05
Plumbers & Steamfitters	11.15	.25	.60		.02
Sheet metal workers	10.61	.60+d	.60		.07+.02
POWER EQUIPMENT OPERATORS:					
Class A	9.80	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05
TRUCK DRIVERS:					
3 tons and under	6.87	e	f		
Over 3 tons, semi-trailer, or pole trailer, dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment	6.98	e	f		
Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)	7.05	e	f		
Greaser tire changer and mechanic's helpers	6.87	e	f		
Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck when used inside warehouse or storage area	7.15	e	f		

KY76-1028 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:

d. Employer contributes 3% of gross income to Stabilization Agreement for Sheet Metal Industry fund.

e. Employer contributes $13.50 per week for employee who has been employed 20 work days within 90 consecutive days.

f. Employer contributes $14.00 per week for employee who has been employed 20 work days within 90 consecutive days.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY76-1038 - Mod. # 4 (41 FR-10828 - March 12, 1976) Hardin, Jefferson, and Meade Counties, Kentucky					
Change:					
Glaziers	8.90	.35	.45		
Ironworkers:					
.Conveyormen, machinery movers	10.50	.75	.85		.05
Structural, ornamental & Reinforcing	10.50	.75	.85		.05
Riggers, fence erectors, sheeters	10.50	.75	.85		.05
Painters:					
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky					
New Construction:					
Basic	8.22	.30	.20		.03
Special	8.57	.30	.20		.03
Spray	8.67	.30	.20		.03
Old Construction:					
Basic	7.78	.30	.20		.03
Special	8.13	.30	.20		.03
Spray	8.23	.30	.20		.03
Zone 2 - Over 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky.					
New Construction:					
Basic	8.57	.30	.20		.03
Special	8.92	.30	.20		.03
Spray	9.02	.30	.20		.03
Old Construction:					
Basic	8.13	.30	.20		.03
Special	8.48	.30	.20		.03
Spray	8.58	.30	.20		.03
Work on bridges (over navigable water) $2.00 per hour premium all zones					
Roofers:					
Roofers	7.40	.50	.20		
Slate, tile, and precast concrete slab	7.80	.50	.20		
Helpers	4.80	.50	.20		

MODIFICATIONS P. 13

KY76-1038 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet metal workers:					
Zone 1					
Jefferson County	10.61	.60+d	.60		.07+.02
Zone 2					
Hardin & Meade Counties including Ft. Knox Reservation	11.36	.60+d	.60		.07+.02
POWER EQUIPMENT OPERATORS:					
Class A	9.80	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05

FOOTNOTES:

d. Employer contributes 3% of gross income to Stabilzation Agreement of Sheet Metal Industry Fund.

DECISION # KY76-1058 - Mod. # 1
(41 FR-21082 - May 21,1976)
McCracken County, Kentucky

Change:

Power Equipment Operator:					
Class A	9.80	.35	.35		.05
Class B	7.51	.35	.35		.05
Class C	6.89	.35	.35		.05

MODIFICATIONS P. 14

DECISION #NV76-5003 - Mod. #4
(41 FR 2591 - January 16, 1976)
Clark County (excluding the Nevada Test Site), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$9.30	.50	$1.00	$1.00	.06
Plumbers; Steamfitters	11.05	1.05	1.90	1.85	.08
Power Equipment Operators (Except Piledriving and Steel Erection):					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04
Terrazzo, Tile and Marble Helpers	8.10	.45		1.00	

DECISION #NV76-5046 - Mod. #4
(41 FR 21108 - May 21, 1976)
Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$10.35	.55	.60	$1.00	.03
Mastic, Magnesite and all Composition Masons	10.60	.55	.60	1.00	.03
Troweling Machine; Grinder Operator; Kelly Float	10.85	.55	.60	1.00	.03
Remaining Counties:					
Cement Masons	8.90	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	9.15	.55	.60	1.00	.03
Troweling Machine; Grinder Operator; Kelly Float	9.40	.55	.60	1.00	.03
Glaziers:					
Nye County (north half), and all Remaining Counties:	9.745	.37	1.20		
Ironworkers:					
Remainder of State:					
Fence Erector	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
Lathers:					
Clark, Esmeralda, Lincoln, Nye Counties	9.30	.50	1.00	1.00	.06
Painters:					
Nye County (north half), and Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		
Plumbers; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.05	1.05	1.90	1.85	.08

DECISION #NV76-5046 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Power Equipment Operators (Except Piledriving and Steel Erection):					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$9.25	.95	$2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04
Soft Floor Layers:					
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4%	
Terrazzo and Tile Helpers:					
Clark, Esmeralda, Lincoln, Nye County (south half)	8.10	.45		1.00	
DECISION #NV76-5053 - Mod. #2					
(41 FR 23906 - June 11, 1976)					
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Ironworkers:					
Reinforcing; Ornamental; Structural	$11.03	$1.09	$1.83	$1.15	.04
Plumbers; Steamfitters	11.05	1.05	1.90	1.85	.08
Power Equipment Operators (Except Piledriving and Steel Erection):					
Group 1	9.13	.95	2.00	.30	.04
Group 2	9.37	.95	2.00	.30	.04
Group 3	9.61	.95	2.00	.30	.04
Group 4	9.72	.95	2.00	.30	.04
Group 5	9.91	.95	2.00	.30	.04
Group 6	10.01	.95	2.00	.30	.04
Group 7	8.96	.75	2.00	.30	
Group 7-A	8.67	.75	2.00	.30	
Group 7-B	8.56	.75	2.00	.30	
Group 7-C	8.32	.75	2.00	.30	
Truck Drivers:					
Group 1	9.37	.39	.70		
Group 2	9.48	.39	.70		
Group 3	9.53	.39	.70		
Group 4	9.69	.39	.70		
Group 5	9.87	.39	.70		

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # NC76-1062 - Mod. # 1 (41 FR-2119 - May 21, 1976) Buncombe County, North Carolina					
Change:					
Plasterers	6.50				
Add:					
Plasterer tender	3.25				
DECISION #TN76-1012 - Mod. #2 (41 FR 2615 - January 16, 1976) Shelby County, Tennessee					
CHANGE:					
Leadburners	$ 10.50	.40	.25	c	.01
Millwrights	9.55	.46	.30		.06
Sprinkler fitters	10.10	.60	.90		.08
ADD:					
Marble setters' helpers, terrazzo workers' helpers, & tile setters' helpers	4.05				
DECISION #TX75-4196 - Mod. #5 (40 FR 54417 - November 21, 1975) Bexar County, Texas					
Change:					
Plumbers-pipefitters	$ 9.46	.40	.55		.10

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5052 - Mod. #1 (41 FR 26537 - June 25, 1976) Statewide, Utah					
Change:					
Electricians:					
North section of Utah (Box Elder, Cache, Davis (north of 41st Parallel), Morgan, Rich, Weber Counties):					
Zone 1: Cache, Davis (north of 41st Parallel), Weber Counties:					
Electricians	$10.50	.45	1% + .50		8/10%
Cable Splicers	10.75	.45	1% + .50		8/10%
Zone 2: Box Elder (east of 112.5° longitude), Morgan Counties:					
Electricians	11.00	.45	1% + .50		8/10%
Cable Splicers	11.25	.45	1% + .50		8/10%
Zone 3: Box Elder (west of 112.5° longitude), Rich Counties:					
Electricians	12.50	.45	1% + .50		8/10%
Cable Splicers	12.75	.45	1% + .50		8/10%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
South section of Utah (Remaining Counties:					
Zone 1: Davis County, south of 41st Parallel; Salt Lake County; Utah County (north of 40th Parallel); the northeast corner of Tooele County (beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele and thence west along said township line to the southwest corner of Section					

DECISION #UT76-5052 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Electricians (Cont'd):					
South section (Cont'd):					
32, Township 3 south, Range 4 west, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west, then west to longitude 112.5°; thence north along the line of longitude 112.5° to the north line of Tooele County):					
Area A: Ten miles either direction (east or west) from Interstate Hwy. #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel:					
Electricians	$10.50	.45	1% + .50		8/10%
Cable Splicers	10.75	.45	1% + .50		8/10%
Area B: The balance of Zone 1 that lies in Davis, Salt Lake and Utah Counties:					
Electricians	11.25	.45	1% + .50		8/10%
Cable Splicers	11.50	.45	1% + .50		8/10%
Area C: The balance of Zone 1 that lies in Tooele County:					
Electricians	12.00	.45	1% + .50		8/10%
Cable Splicers	12.25	.45	1% + .50		8/10%
Zone 2: Remainder of Counties and all portions of Counties not included in Zones 1 and 2 of south section of Utah:					
Electricians	13.25	.45	1% + .50		8/10%
Cable Splicers	13.50	.45	1% + .50		8/10%

DECISION #UT76-5052 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble Setters	$9.40	.20			
Terrazzo Workers	9.40	.20			
Tile Setters	9.40	.20			

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: *See below
DECISION NUMBER: AL76-1075 DATE: Date of Publication
Supersedes Decision No: AL75-1112 dated November 28, 1975 in 40 FR-55620
DESCRIPTION OF WORK: Highway Construction, excluding Airport Construction

	*ZONE I	*ZONE II	*ZONE III	*ZONE IV
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Bricklayers	3.65	3.65	3.25	3.00
Carpenters	4.50	4.25	4.50	4.25
Carpenters' helpers	3.15	3.15	3.15	3.15
Concrete finishers	4.00	3.60	3.60	3.60
Concrete saw operators	2.65	2.55	2.45	2.45
Electricians	9.10a	7.90	5.80	5.80
Ironworkers:				
Structural	5.80	5.80	5.80	5.80
Reinforcing	4.50	5.70	4.50	4.50
Laborers:				
Air tool operators	2.75	2.85	2.75	2.75
Asphalt rakers	3.35	3.30	3.50	3.10
Concrete laborers	3.25	3.00	3.00	2.90
Pipelayers	3.45	3.25	3.25	2.50
Powderman and blasters	3.50	3.50	3.50	3.50
Saw operators	3.50	3.50	2.50	2.50
Side rail or form setters	3.50	3.50	3.05	3.05
Unskilled	2.60	2.50	2.35	2.30
Wagon drill operators	3.00	3.00	3.00	3.00
Painters	5.75	5.75	5.50	5.50
Piledrivermen	5.00	5.00	4.80	4.80
Truck drivers:				
Under 1-½ ton	2.75	2.75	2.55	2.55
Single rear axle	2.75	2.75	2.65	2.55
Multi-rear axle or heavy duty, off road, single axle	3.00	3.25	2.85	2.85
Winch truck and A-Frame	3.70	3.25	3.25	3.25
Welders - Receive rate for craft				
POWER EQUIPMENT OPERATORS:				
Aggregate spreader operator	3.45	3.45	3.45	3.45
Air compressors	3.25	3.15	2.85	2.85
Asphalt distributor and asphalt spreaders	3.90	3.90	3.90	3.90
Asphalt mixers and pug mills and batch plants	3.30	3.44	3.30	3.30
Asphalt paving machines	3.85	3.85	3.85	3.85
Asphalt plant driers	3.30	3.44	3.30	3.30
Bulldozers	4.95	4.30	4.50	3.85
Bull floats	3.15	3.44	3.15	3.15
Concrete mixers (3-bags and under)	2.70	3.44	2.70	2.70
Concrete mixers (over 3-bags)	3.75	3.60	3.30	3.30
Concrete paving machines	3.30	3.60	3.30	3.30
Concrete paving finishing machines	3.30	3.60	3.30	3.30
Concrete paving spreaders	3.30	3.60	3.30	3.30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.95	4.95	4.95	4.75
Conveyors	2.70	3.13	2.70	2.70
Crusher and screening plants	3.30	3.44	3.30	3.30
Drilling machines	4.00	4.00	4.00	4.00
Elevating graders, gradalls or trenching machines	4.95	4.00	4.75	3.60
Firemen	2.70	3.15	2.70	2.70
Form graders	2.70	2.70	2.70	2.70
Hoist (2-drums or 2-cages or more)	3.30	3.60	3.30	3.30
Hoist (1-drum)	3.25	3.44	3.15	3.15
Mechanics	5.00	5.15	5.00	4.00
Motor patrols	5.00	5.00	5.00	5.00
Oilers and greasemen	3.90	3.85	4.00	3.60
Paving subgraders	3.15	3.15	3.15	3.15
Piledrivers	4.55	4.85	3.66	4.85
Pumps	2.70	2.70	2.70	2.70
Pumpcretes	3.15	3.15	3.15	3.15
Rollers, self-propelled	3.55	3.50	3.30	3.50
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4.00	4.00	3.60
Scale operators	2.70	2.70	2.70	2.70
Scalemen	2.70	2.70	2.70	2.70
Scrapers	4.75	3.70	3.70	3.70
Seeding and mulching machines	2.70	3.35	2.70	2.70
Striping machines (paint)	3.40	3.40	3.30	3.30
Tractors and loaders (farm rubber tired)	3.10	3.35	3.00	2.75
Tractors and loaders (80 H.P. or less (draw-bar capacity)	3.10	3.40	3.00	3.00
Tractors and loaders (over 80 H.P)	4.00	4.00	4.00	4.00

Counties:

*Zone I: Jefferson

*Zone II: Mobile

*Zone III: Calhoun, Etowah, St. Clair, Talladega, Tuscaloosa, and Walker.

*Zone IV: Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale Henry, Houston Jackson. Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion Marshall, Monroe, Montgomery, Morgan Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox, and Winston Counties Alabama.

FOOTNOTE:

a. Plus fringe benefits of 30¢ Health and Welfare, 1% +.40 Pension and .5% Apprentice Training.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO.: AR76-4119 DATE: Date of Publication
Supersedes Decision No. AR76-4004 dated January 16, 1976 in 41 FR 2543
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.40	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS - Stonemasons	7.55	.30	.25		.02
CARPENTERS:					
Commercial work over $1,000,000:					
Carpenters	7.83	.40	.30		.04
Millwrights & Piledrivermen	8.33	.40	.30		.04
Commercial work under $1,000,000:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	8.13	.40	.30		.04
CEMENT MASONS	8.00	.25			.03
ELECTRICIANS:					
Electricians	9.60	.40	1%		1/4%
Cable splicers	9.725	.40	1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	8.09	.495	.32	3%+a+b	.02
Helpers	70%JR	.495	.32	3%+a+b	.02
Helpers-probationary	50%JR				
GLAZIERS	6.65				.01
IRONWORKERS	8.71	.45	.40		.04
LABORERS:					
Group I	5.72	.20	.30		.04
Group II	5.97	.20	.30		.04
Group III	6.12	.20	.30		.04
Group IV	6.22	.20	.30		.04
Group V	6.37	.20	.30		.04
Group VI	6.62	.20	.30		.04
Group VII	6.52	.20	.30		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

Group II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

Group III - Steelform setters, curb and gutters, grout and cement muckers

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

Group IV - Swinging scaffold, Barco, 90 lb pavement breaker, and burners
Group V - Nozzleman (Gunite, Grout, and sand blasterer; concrete pump (nozzle placer)
Group VI - Powderman and blasterers
Group VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.10				.02
LINE CONSTRUCTION:					
Linemen	10.00		1%		3/8%
Cable splicers	10.125		1%		3/8%
Operator	10.00		1%		3/8%
Groundmen (advanced)	65%JR		1%		3/8%
Groundmen (1st 6 months)	49%JR		1%		3/8%
Winch equipment	73%JR		1%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	7.40				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	7.25		.30		
Spray gun operators and sand blasterers	7.85		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.50		.30		
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	9.70	.30	.55		.02
Over 10 miles from Pulaski County Courthouse	10.00	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	9.05	.25	.25		
Group II	8.21	.25	.25		
Group III	7.83	.25	.25		
Group IV	6.45	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system dewatering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	9.35	.40	.40		.02
SPRINKLER FITTERS	9.87	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-
E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

DECISION NUMBER: CA76-5063

DATE: Date of Publication

Supersedes Decision No. CA76-5019 dated March 5, 1976, in 41 FR 9725.

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	$12.15	.90	$ .87	$1.07	.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	12.15	.95	.95		.02
Fresno, Kings, Madera, Mariposa, and Merced Cos.	10.24	.66	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
Monterey and Santa Cruz Cos.	11.75	.98	1.20	.75	
San Benito and Santa Clara Cos.	11.15	.95	.95		.20
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	10.30	.55	.60	1.00	
Tulare County	9.30	.70	1.00		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	9.80	.80	1.40		
Alameda and Contra Costa Cos.	7.70	.55	.95		
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	10.00	.65	.80		
Fresno, Kings, Madera and Tulare Counties	9.80	.80	1.40		

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$11.25	$1.22	$1.71	.75	.06
Hardwood Floor Layers; Power Saw Operator; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.40	1.22	1.71	.75	.06
Millwrights	11.75	1.22	1.71	.75	.06
Piledrivermen, Bridge, Wharf and Dock Builders	12.23	.84	1.26	.75	.04
CEMENT MASONS:					
Cement Masons	9.46	1.02	1.35	1.25	.05
Mastic; Magnesite; All Composition Masons	9.71	1.02	1.35	1.25	.05
Men working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.80	1%+.90		.03
Cable Splicers	12.84	.80	1%+.90		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045
Tunnels:					
Electricians	11.34	.73	1%+.75		.045
Cable Splicers	12.47	.73	1%+.75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties					
Electricians	11.07	.75	1%+.505		.02
Cable Splicers	12.18	.75	1%+.505		.02
Tunnel:					
Electricians; Cable Splicers' Helpers	10.33	.60	1%+.40		.005

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Cable Splicers	$11.37	.60	1%+.40		.005
Calaveras and San Joaquin Cos.					
Electricians; Technicians	11.00	.78	1%+.89		1%
Cable Splicers	12.38	.78	1%+.89		1%
Contra Costa County					
Electricians	11.95	.70	1%+.50		
Cable Splicers	13.20	.70	1%+.50		
Del Norte and Humboldt Counties					
Electricians	10.25	.55	1%+1.75		.04
Cable Splicers	11.07	.55	1%+1.75		.04
Fresno, Kings, Madera and Tulare Counties					
Electricians	11.01	.60	1%+.95		.05
Cable Splicers	11.41	.60	1%+.95		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	11.75	.61	1%+.30		.02
Cable Splicers	12.93	.61	1%+.30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		.01
Cable Splicers	13.81	.70	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	11.80	.62	1%+.90		.04
Cable Splicers	13.28	.62	1%+.90		.04
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
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				

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from east to Fairfield) and Sonoma Counties	$10.47	.77	$1.13		.02
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties	9.745	.37	1.20		
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Reinforcing	11.03	1.09	1.83	1.15	.04
Ornamental; Structural	11.03	1.09	1.83	1.15	.04
LATHERS:					
Alameda and Contra Costa Cos.	9.81	.74	.715		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County line) Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	10.10	.48	.50		.01
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Lake (from City of Lakeport down to County line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	11.29	.58	.50	.95	.01
San Francisco and N½ of San Mateo County	12.07	.56	1.10		.02
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	10.75				.01

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Amador, El Dorado, Sacramento and Yolo Counties	$8.40	.40	.95	$1.00	
Southern half of San Mateo Co.	10.03	.32	1.00		
LINE CONSTRUCTION:					
Contra Costa County					
Groundmen	8.96	.70	1%+.50		
Line Equipment Operators	10.75	.70	1%+.50		
Linemen	11.95	.70	1%+.50		
Cable Splicers	13.20	.70	1%+.50		
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	7.12	.35	1%	.10	1/2%
Head groundman; Headgroundman (Chipper); Powdermen; Jackhammermen	7.56	.35	1%	.10	1/2%
Line Equipment Men	8.65	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	10.04	.35	1%	.10	1/2%
Tree trimmer	9.06	.35	1%	.10	1/2%
Cable Splicer; Leadman; Pole Sprayer	11.12	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line Equipment Operators	9.86	.50	1%+.70		.05
Linemen	9.86	.50	1%+.70		.05
Cable Splicers	10.26	.50	1%+.70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	9.38	.70	1%		.01
Linemen; Technicians	12.51	.70	1%		.01
Cable Splicers	13.82	.70	1%		.01
Napa and Solano Counties					
Linemen	9.67	.58	1%+.60		.03
Cable Splicers	10.17	.58	1%+.60		.03

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Alameda County					
Groundmen	$8.56	.70	1%+.50		.03
Linemen	11.41	.70	1%+.50		.03
Line Equipment Operators	10.27	.70	1%+.50		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Groundmen	8.97	.73	1%+.75		.045
Linemen	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045
Humboldt County					
Groundmen	8.20	.55	1%+1.75		.04
Linemen	10.25	.55	1%+1.75		.04
Cable Splicers	11.07	.55	1%+1.75		.04
San Francisco County					
Groundmen	9.07	.705	1%+.50		.04
Linemen	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
MARBLE SETTERS	10.64	1.00	.83	1.03	
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock Taper; Swingstage; Scaffold, Sandblaster; Structural Steel	9.32	.70	1.45	1.00	
Fresno, Kings, Madera and Tulare Counties					
Brush; Tapers	11.12	.41	.20		
Spray; Structural Steel	11.37	.41	.20		

DECISION NO. CA76-5063

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03
Lake Tahoe Area					
Brush	10.50	.70	.20		
Spray; Structural Steel; Tapers	10.75	.70	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties					
Brush	10.77	.99	1.10	.80	.03
Spray	11.02	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties:					
Brush; Pot Tenders; Rollers	8.00	.60	.25		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	8.25	.60	.25		
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	10.50	.70.	.20		
Spray; Structural Steel; Tapers	10.75	.70	.20		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.92	.99	1.10	.80	.03
Spray	11.17	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03

DECISION NO. CA76-5063

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic Delineating Device Applicator	$8.27	.45	.30	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	7.88	.45	.30	b	
Helper (wheel stop installer, traffic surface sandblaster, striper)	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	
Remaining Counties:					
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	
Striper	9.37	.45	.30	b	
Helper (striper)	7.87	.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	
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter and Yuba Counties	9.79	.56	1.00		

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Cont'd)					
Monterey County	$10.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	8.99	.76	1.25	$1.00	.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.50	.70	1.40	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Cos.	9.80	.80	1.40		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40		
Marin County	8.32	.80	1.40	.90	
Monterey County	9.15	1.00	1.70	.90	
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters: Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	13.33	1.14	1.60		.11
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, Mendocino, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15
San Benito and Santa Clara Cos.	13.03	.82	1.65		.14
San Mateo County	11.04	.95	1.65	1.20	.25

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd) Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Marposia, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	$12.60	1.39	2.00		.10
Lake, Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Cos.					
Roofers	10.19	.92	1.10	.60	.04
Mastic Workers; Kettlemen (2 Kettles w/o pumps)	10.44	.92	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	11.19	.92	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (slate, tile composition and built up)	10.29	.85	.55		
Felt Machine Operator	10.44	.85	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	10.14	.95	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	10.20	.60	.80		
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	9.63	.65	1.10	1.43	.04
Mastic workers; Kettlemen (2 kettles w/o pumps)	9.88	.65	1.10	1.43	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	10.63	.65	1.10	1.43	.04

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Del Norte and Humboldt Counties					
Roofers	$ 9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.30	.60	.80	1.00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic Workers and Kettlemen (2 kettles) without pumps	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	9.36	.82	1.10	1.00	.04
Enameler and Pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	.60	1.60	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.33	.60	1.30		.09
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	1.06	
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	11.98	.61	1.50		10%
San Mateo County	12.01	.60	1.61		.12
Modoc and Siskiyou Counties	10.285	.52	.38		.035

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	$9.44	.64	$1.00	$1.00	.09
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma Counties	10.00	.60	1.00	c	.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	15.61	.60	.90		.09
Remaining Counties	14.82	.60	.90		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	12.95	.90	1.75		.155
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	8.78	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	$11.00	.78	$1.00	$1.15	.045
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

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% 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. 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.

c. Employer contributes $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holiday Benefits.

DECISION NO. CA76-5063

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$8.29	$1.07*	$1.78	.80	.14
Area 2	9.13	1.07*	1.78	.80	.14
Area 3	9.41	1.07*	1.78	.80	.14
Area 4	9.69	1.07*	1.78	.80	.14
Group 2					
Deck Engineers; Deck Mate					
Area 1	9.91	1.07*	1.78	.80	.14
Area 2	10.76	1.07*	1.78	.80	.14
Area 3	11.03	1.07*	1.78	.80	.14
Area 4	11.31	1.07*	1.78	.80	.14
Group 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	10.31	1.07*	1.78	.80	.14
Area 2	11.15	1.07*	1.78	.80	.14
Area 3	11.43	1.07*	1.78	.80	.14
Area 4	11.71	1.07*	1.78	.80	.14
Group 4					
Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.01	1.07*	1.78	.80	.14
Area 2	11.86	1.07*	1.78	.80	.14
Area 3	12.14	1.07*	1.78	.80	.14
Area 4	12.41	1.07*	1.78	.80	.14
Group 4-A					
Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	12.08	1.07*	1.78	.80	.14
Area 2	12.93	1.07*	1.78	.80	.14
Area 3	13.21	1.07*	1.78	.80	.14
Area 4	13.48	1.07*	1.78	.80	.14

DECISION NO. CA76-5063

POWER EQUIPMENT OPERATORS (Cont'd)

DREDGING SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A-1					
Bargeman; Deckhand; Leveehand; Fireman; Oiler					
Area 1	$8.27	$1.07*	$1.78	.80	.14
Area 2	9.11	1.07*	1.78	.80	.14
Area 3	9.39	1.07*	1.78	.80	.14
Area 4	9.67	1.07*	1.78	.80	.14
Group A-2					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	9.20	1.07*	1.78	.80	.14
Area 2	10.05	1.07*	1.78	.80	.14
Area 3	10.33	1.07*	1.78	.80	.14
Area 4	10.60	1.07*	1.78	.80	.14
Group A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.85	1.07*	1.78	.80	.14
Area 2	10.70	1.07*	1.78	.80	.14
Area 3	10.98	1.07*	1.78	.80	.14
Area 4	11.25	1.07*	1.78	.80	.14
Group A-4					
Leverman; Clamshell Operator					
Area 1	10.69	1.07*	1.78	.80	.14
Area 2	11.54	1.07*	1.78	.80	.14
Area 3	11.82	1.07*	1.78	.80	.14
Area 4	12.09	1.07*	1.78	.80	.14

DECISION NO. CA76-5063

Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water born craft or in the transportation by water of personnel, materials, equipment and supplies	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Deckhand/Mechanic					
Area 1	$9.15	.64	$1.36	$1.08	
Area 2	9.65	.64	1.36	1.08	
Area 3	9.90	.64	1.36	1.08	
Area 4	10.15	.64	1.36	1.08	
Deckhand/Mechanic (Continuous Service Vessels)					
Area 1	8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Operator/Mechanic; Watch Engineer					
Area 1	10.20	.66	1.36	1.00	
Area 2	10.70	.66	1.36	1.00	
Area 3	10.95	.66	1.36	1.00	
Area 4	11.20	.66	1.36	1.00	
Operator/Mechanic; Watch Engineer (Continuous Service Vessels)					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	
Deckhands					
Area 1	7.15	.52	.84	1.00	
Area 2	7.68	.52	.84	1.00	
Area 3	7.93	.52	.84	1.00	
Area 4	8.18	.52	.84	1.00	

DECISION NO. CA76-5063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Building and Heavy Construction					
Tow Boats					
(Work on self-propelled vessels)					
Boat Operators	$10.20	.66	$1.36	$1.00	

FOOTNOTES:

Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1,195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.295	$1.00	$1.70	.90	.10
Group 1(a)	8.52	1.00	1.70	.90	.10
Group 1(b)	8.345	1.00	1.70	.90	.10
Group 1(c)	8.845	1.00	1.70	.90	.10
Group 1(d)	8.495	1.00	1.70	.90	.10
Group 2	8.145	1.00	1.70	.90	.10
Group 3	8.045	1.00	1.70	.90	.10
LABORERS (Gunnite)					
Group 1 Nozzleman (including) Gunman; Potman); Rodman; Groundman	8.755	1.00	1.70	.90	.10
Group 2 Reboundman	8.165	1.00	1.70	.90	.10
Group 3 General Laborer	8.045	1.00	1.70	.90	.10
LABORERS (Tunnel and Shaft Work)					
Group 1	9.865	1.00	1.70	.90	.10
Group 2	9.555	1.00	1.70	.90	.10
Group 3	9.375	1.00	1.70	.90	.10
Group 4	9.255	1.00	1.70	.90	.10
LABORERS (Wrecking Work)					
Group 1	8.295	1.00	1.70	.90	.10
Group 2	8.145	1.00	1.70	.90	.10
Group 3	8.045	1.00	1.70	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
Group 1	8.38	1.07*	1.78	.80	.24
Group 1(a)	8.71	1.07*	1.78	.80	.24
Group 1(b)	8.86	1.07*	1.78	.80	.24
Group 2	9.49	1.07*	1.78	.80	.24
Group 2(a)	9.70	1.07*	1.78	.80	.24
Group 3	10.00	1.07*	1.78	.80	.24
Group 3(a)	10.38	1.07*	1.78	.80	.24
Group 4	10.93	1.07*	1.78	.80	.24
Group 5	11.08	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

DECISION NO. CA76-5063 POWER EQUIPMENT OPERATORS (Piledriving) Page 27

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (Hoisting Material Only)

GROUP 2-A: Compressor Operator (2-7); Generator (100 K.W. or Over); Pump (2-7); Welding Machine (2-7) (Powered Other Than By Electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor Attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane, up to and incl. 25 tons hoisting material only

GROUP 5: Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of Steam Powered Crawler or Universal Type Driver (Raymond or Similar Type); Truck Crane, over 25 tons hoisting material or performing piledriving work

DECISION NO. CA76-5063 Page 28

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.	Other
	AREA 1	AREA 2					
GROUP 1 :	$ 8.30	$ 9.70	$ 1.07*	$ 1.78	.80	.24	
GROUP 2 :	8.65	10.05	1.07*	1.78	.80	.24	
GROUP 3 :	8.86	10.26	1.07*	1.78	.80	.24	
GROUP 4 :	9.41	10.81	1.07*	1.78	.80	.24	
GROUP 5 :	9.62	11.02	1.07*	1.78	.80	.24	
GROUP 6 :	9.77	11.17	1.07*	1.78	.80	.24	
GROUP 7 :	9.92	11.32	1.07*	1.78	.80	.24	
GROUP 8 :	10.32	11.72	1.07*	1.78	.80	.24	
GROUP 9 :	10.54	11.94	1.07*	1.78	.80	.24	
GROUP 10 :	10.74	12.14	1.07*	1.78	.80	.24	
GROUP 10-A:	10.85	12.25	1.07*	1.78	.80	.24	
GROUP 11 :	11.02	12.42	1.07*	1.78	.80	.24	
GROUP 11-A:	12.09	13.49	1.07*	1.78	.80	.24	
GROUP 11-B:	12.37	13.77	1.07*	1.78	.80	.24	
GROUP 11-C:	12.66	14.06	1.07*	1.78	.80	.24	

* Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA76-5064 DATE: Date of Publication

Supersedes Decision No. CA76-5020 dated March 5, 1976, in 41 FR 9742.

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	$12.15	.90	.87	$1.07	.06
BOILERMAKERS	10.85	.65	$1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	12.15	.95	.95		.20
Fresno, Mariposa and Merced Cos.	10.24	.66	1.00		
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
Monterey and Santa Cruz Counties	11.75	.98	1.20	.75	
San Benito and Santa Clara Cos.	11.15	.95	.95		
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.30	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.70	.55	.95		.10
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	10.00	.50	.65		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.80	.80	1.40		
Fresno County	9.80	.80	1.40		
CARPENTERS:					
Carpenters	11.25	1.22	1.71	.75	.06
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.40	1.22	1.71	.75	.06
Millwrights	11.75	1.22	1.71	.75	.06
Pile drivermen, Bridge, Wharf and Dock Builders	12.23	.84	1.26	.75	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Cement Masons	$9.46	1.02	1.35	1.25	.05
Mastic; Magnesite; All Composition Masons	9.71	1.02	1.35	1.25	.05
Men Working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.80	1%+.90		.03
Cable Splicers	12.84	.80	1%+.90		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03
Shasta and Tehama Counties					
Electricians (Family residences limited to 3 stories)	7.08	.60	1%+.40		.005
Electricians (4 stories):					
Electricians	11.07	.75	1%+.505		.02
Cable Splicers	12.18	.75	1%+.505		.02
Calaveras and San Joaquin Cos.					
Electricians	11.00	.78	1%+.89		1%
Cable Splicers	12.38	.78	1%+.89		1%
Contra Costa County					
Electricians	11.95	.70	1%+.50		
Cable Splicers	13.20	.70	1%+.50		
Del Norte and Humboldt Counties					
Electricians	10.25	.55	1%+1.75		.04
Cable Splicers	11.07	.55	1%+1.75		.04

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fresno County					
Electricians (family residences, not to exceed 2 stories)	$7.75	.60	1%+.95		.05
Electricians (3-4 stories):					
Electricians	11.01	.60	1%+.95		.05
Cable Splicers	11.41	.60	1%+.95		.05
Marin and Sonoma Counties					
Electricians	11.75	.61	1%+.30		.02
Cable Splicers	12.93	.61	1%+.30		.02
Mariposa, Merced and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		1%
Cable Splicers	13.81	.70	1%		1%
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	11.80	.62	1%+.90		.04
Cable Splicers	13.28	.62	1%+.90		.04
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
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:					
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E of Fairfield), Sonoma Counties	10.47	.77	1.31		.02

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Alpine, Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tuolumne, Yolo and Yuba Cos.	$9.745	.37	$1.20		
IRONWORKERS:					
Fence Erectors	10.14	$1.09	1.83	$1.15	.04
Reinforcing	11.03	1.09	1.83	1.15	.04
Ornamental; Structural	11.03	1.09	1.83	1.15	.04
LATHERS:					
Alameda and Contra Costa Cos.	9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta, and Tehama Counties	10.10	.48	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Marin and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	11.29	.58	.50	.95	.01
San Francisco and N½ of San Mateo County	12.07	.56	1.10		.02
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced and Tuolumne Counties	10.75				.01
Southern half of San Mateo Co.	10.03	.32	1.00		
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	9.32	.70	1.45	1.00	
Fresno County					
Brush; Tapers	11.12	.41	.20		
Spray; Structural Steel	11.37	.41	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)					
Brush	10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Shasta, Sutter, Tehama and Yuba Counties					
Brush; Pot Tender; Rollers	$8.00	.60	.25		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	8.25	.60	.25		
Lake Tahoe Area					
Brush	10.50	.70	.20		
Spray; Structural Steel; Tapers	10.75	.70	.20		
Marin, San Francisco and Sonoma Counties					
Brush	10.77	.99	1.10	.80	.03
Spray	11.02	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.92	.99	1.10	.80	.03
Spray	11.17	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	8.99	.76	1.25	1.00	.01
Monterey County	10.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced and Tuolumne Counties	8.50	.70	1.40	1.00	

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS:					
Alameda and Contra Costa Cos.	$8.87	.60	$1.10		
Fresno County	9.80	.80	1.40		
Marin County	8.32	.80	1.40	.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40	.90	
Monterey County	9.15	1.00	1.70	.90	
PLUMBERS:					
Alameda County	13.10	.85	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northern half of Co.), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	13.33	1.14	1.60		.11
Lake Tahoe Area	10.99	.55	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15
San Benito and Santa Clara Cos.	13.03	.91	1.65		.14
San Mateo County	11.04	.95	1.65	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	12.60	1.39	2.00		.10
Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Cos. Roofers	10.19	.91	1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	10.44	.91	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	11.19	.91	1.10	.60	.04

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: Cont'd)					
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	$10.29	.85	.55		
Felt Machine Operator	10.44	.85	.55		
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	10.14	.95	.40		
Fresno County					
Roofers	10.20	.60	.80		
Marin, Napa, Solano and Sonoma Counties					
Roofers	9.63	.65	$1.10	$1.43	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	9.88	.65	1.10	1.43	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	10.63	.65	1.10	1.43	.04
Del Norte and Humboldt Counties					
Roofers	9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.30	.60	.80	1.00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic Workers and Kettlemen (2 kettles w/o pumps)	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers	9.36	.82	1.10	1.00	.04
Enamelers and Pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettleman (1 Kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	1.60	1.40	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02

DECISION NO. CCA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba Counties	$10.33	.60	$1.30		.09
Mariposa, Merced and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	$1.06	
San Mateo County	12.01	.60	1.61		.12
Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties	11.98	.61	1.50		10%
SOFT FLOOR LAYERS:					
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	9.44	.64	1.00	1.00	.09
Lake Tahoe Area	10.05	.70	.20		
Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San, Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Cos.	10.00	.60	1.00	b	.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	15.61	.60	.90		.09
Remaining Counties	14.82	.60	.90		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	12.95	.90	1.75		.12
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.78	.85	.58	1.00	

DECISION NO. CA76-5064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	$10.85	.73	.92		.22
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Counties	11.00	.78	1.00	1.15	.045
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Mariposa and Merced Counties	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

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% 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. Six Paid Holidays: A through F.

b. Employer contributes $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holidays Benefits.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (5 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1:	$8.295	$1.00	$1.70	.90	.10
Group 1(a):	8.52	1.00	1.70	.90	.10
Group 1(b):	8.345	1.00	1.70	.90	.10
Group 1(c):	8.845	1.00	1.70	.90	.10
Group 1(d):	8.495	1.00	1.70	.90	.10
Group 2:	8.145	1.00	1.70	.90	.10
Group 3:	8.045	1.00	1.70	.90	.10
LABORERS (Gunnite)					
Group 1:	8.755	1.00	1.70	.90	.10
Group 2:	8.165	1.00	1.70	.90	.10
Group 3:	8.045	1.00	1.70	.90	.10

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.30	$9.70	$1.07*	$1.78	.80	.24
Group 2:	8.65	10.05	1.07*	1.78	.80	.24
Group 3:	8.86	10.26	1.07*	1.78	.80	.24
Group 4:	9.41	10.81	1.07*	1.78	.80	.24
Group 5:	9.62	11.02	1.07*	1.78	.80	.24
Group 6:	9.77	11.17	1.07*	1.78	.80	.24
Group 7:	9.92	11.32	1.07*	1.78	.80	.24
Group 8:	10.32	11.72	1.07*	1.78	.80	.24
Group 9:	10.54	11.94	1.07*	1.78	.80	.24
Group 10:	10.74	12.14	1.07*	1.78	.80	.24
Group 10-A:	10.85	12.25	1.07*	1.78	.80	.24
Group 11:	11.02	12.42	1.07*	1.78	.80	.24
Group 11-A:	12.09	13.49	1.07*	1.78	.80	.24
Group 11-B:	12.37	13.77	1.07*	1.78	.80	.24
Group 11-C:	12.66	14.06	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multipurpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: See below*
DECISION NUMBER: MS76-1074 DATE: Date of publication
Supersedes Decision No.: AQ-4120 dated June 7,1974 in 39 FR-20302
DESCRIPTION OF WORK: Residential construction consisting of single family homes and harden type apartments up to and including 4 stories.

*Counties: Copiah, Hinds, Leake, Madison, Rankin, Scott, Simpson, Smith, and Yazoo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	4.38				
Bricklayers	6.00				
Carpenters	4.92				
Carpet layers; soft floor layers	4.00				
Drywall finishers	5.00				
Drywall hangers	4.00				
Cement masons	4.88				
Electricians	5.40				
Ironworkers:					
Ornamental	3.75				
Reinforcing	3.88				
Laborers:					
Form setters	4.05				
Laborers	3.11				
Mortar mixers	3.50				
Painters	4.63				
Plumbers	6.20				
Roofers	4.00				
Sheet metal workers	3.58				
Tile setters	5.00				
Truck drivers	3.17				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.55				
Bulldozer	4.69				
Concrete pump	4.55				
Forklift	6.50				
Front end loader	6.125				
Motor grader	5.50				
Roller	4.00				

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: See below*
DECISION NUMBER: MS76-1076 DATE: Date of Publication
Supersedes Decision No.: MS76-1003 dated January 9, 1976 in 41 FR-1694
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Counties: Issaquena, Sharkey, Sunflower, and Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.19				
Carpenters	4.77				
Cement masons	4.40				
Electricians	5.00				
Glaziers	3.90	.10		.15	
Ironworkers:					
Structural	7.46				
Reinforcing	3.83				
Laborers:					
Laborers	2.30				
Mason tenders	4.10				
Pipelayers	2.75				
Lathers	4.85				
Painters	3.83				
Plasterers	5.00				
Plumbers	5.50				
Roofers	4.00				
Sheet metal workers	4.63				
Soft floor layers	5.35				
Tile setters	5.35				
Truck drivers	2.50				
POWER EQUIPMENT OPERATORS:					
Bulldozer	4.25				
Crane	3.50				
Motor grader	3.125				
Shovel	3.00				
Tractor	3.375				
Trenching machine	3.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: TX76-4115 DATE: Date of Publication
Supersedes Decision No. TX75-4092, dated May 16, 1975, in 40 FR 21682.
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	$ 9.38	.325	.685		.025
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	7.75		.25		.05
CARPENTERS:					
Carpenters	7.25				.015
Millwrights	9.50				.015
Piledrivermen	7.75				.015
CEMENT MASONS	6.50				
ELECTRICIANS:					
Electricians	7.95	.40	1%		1/4%
Cable splicers	8.30	.40	1%		1/4%
GLAZIERS	5.80				
IRONWORKERS	8.95	.35	.35		.04
LABORERS:					
Laborers	3.40				
Mason tenders	3.80				
Plasterers' tenders	4.40				
LATHERS	6.875	.20	.10		.01
PAINTERS, BRUSH	6.75				
PLASTERERS	7.68				
PLUMBERS & PIPEFITTERS	7.79	.43	.90		.10
ROOFERS	6.40				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
TILE SETTERS	6.90				
TILE SETTERS' HELPERS	3.65				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Blade graders	4.50				
Bulldozers	4.75				
Cherry pickers	4.50				
Drilling machine operators	3.75				
Loaders	4.50				
Motor graders	5.00				
Rollers	4.87				
Scrapers	4.28				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

[FR Doc.76-20249 Filed 7-15-76;8:45 am]



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