AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol.41—No.215
11–5–76
PAGES
48719–49081

federal register

FRIDAY, NOVEMBER 5, 1976

highlights

PART I:

PRIVACY ACT
OFR lists agencies fulfilling annual publication requirement viii

COLOR ADDITIVES
HEW/FDA provides for permanent listing of manganese violet and ultramarines (2 documents), effective 12–7–76; objections by 12–6–76 48730

ELECTRIC DISTRIBUTION PLANTS
USDA/REA proposes guidelines and requirements for grounding of primary distribution lines; comments by 12–6–76 48744

LOAN MANAGEMENT PROGRAMS
USDA/REA proposes new policy and general guidelines; comments by 12–6–76 48744

NEW ANIMAL DRUGS
HEW/FDA approves safe and effective use of levamisole hydrochloride, piperazine dihydrochloride soluble powder and glyceryl guaiacolate in the treatment of horses (2 documents); effective 11–5–76 ..... 48731, 48732

POULTRY
USDA/ARS amends National Improvement Program; effective 11–5–76 48723

MEAT
USDA/APHIS promulgates standard of identity or composition for liver sausage and braunschweiger; effective 12–6–76 48721
USDA/APHIS rules on importation from Taiwan, 12–5–76 48722
USDA/APHIS relieves labeling restrictions for certain products; 12–6–76 48721

INDIAN MONEY ACCOUNTS
Interior/BIA rules on protection of per capita shares of minors, legal incompetents, and deceased beneficiaries; effective 12–6–76 48735

COAL LEASING
Interior/BLM proposal on exploration licenses; comments by 12–20–76 48754

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

CAB—Alaskan air taxi size and weight limitations; standards for conforming to Continental U.S. specifications.. 44033; 10–6–76

DOT/FAA—Airworthiness directive; Britten-Norman Ltd..... 46430; 10–21–76

Rules Going Into Effect Nov. 6, 1976

DOT/FAA—Airworthiness directives; Pratt & Whitney Aircraft Wasp Jr. and R–985 Model Engines..... 45817; 10–18–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523-5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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

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

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in this issue.	523–5215
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

GRIZZLY BEARS
Interior/FWS proposes to determine critical habitat in the 48 conterminous states; comments by 2–9–77 48757

SAVINGS AND LOAN ASSOCIATIONS
FHLBB rules on holding companies; effective 11–5–76 48728

MEDICAID
HEW/SRS rules on limitation on Federal participation for capital expenditures 48738

VETERANS BENEFITS
VA increases disability, dependency and indemnity compensation; effective 10–1–76 48747

PRIVACY ACT OF 1974
Pennsylvania Avenue Development Corporation corrects notice of systems of records 48821

STATEMENT OF PROCEDURAL RULES
Treasury/IRS amendments and withdrawal of amendments on public inspection of rulings, determination letters and technical advice memorandums (2 documents); effective 10–31–76 ..... 48740, 48746

MEETINGS—
Commerce/NOAA: New England Regional Fishery Management Council, 11–22 and 11–23–76 48764
Pacific Regional Fishery Management Council, 11–22 and 11–23–76 48764
Pacific Regional Fishery Management Council's Scientific and Statistical Committee, 11–22 and 11–23–76 48765
DOD: Defense Industry Advisory Group in Europe, 12–2–76 48770
AF: Community College of the Air Force Advisory Committee, 12–7–76 48770
HEW: Federal Council on Aging, 11–30, 12–1 and 12–2–76 48793
Interior/NPS: Gateway National Recreation Area Advisory Commission, 12–1–76 48799
National Commission on New Technological Uses of Copyrighted Works, 11–18 and 11–19–76 48820
SEC: Advisory Committee on Corporate Disclosure, 12–6 and 12–7–76 48822
USDA: Citizens Advisory Committee on Civil Rights, 11–16 and 11–17–76 48761
VA: Central Office Education and Training Review Panel, 11–30–76 48831

POSTPONED MEETINGS—
NRC: Advisory Committee on Reactor Safeguards; Subcommittee on Emergency Core Cooling Systems (ECCS), 11–6–76 48821

PART II:

GUARANTEED STUDENT LOAN
HEW/OE issues proposals on reorganization of program (2 documents); comments by 1–5–77; hearings on 11–30, 12–1, 12–2, 12–3, 12–6, 12–7, 12–9, 12–10, 12–13, 12–14, 12–16, and 12–17–76 ..... 48862, 48910

PART III:

STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS
USDA/APHIS issues list of approved establishments 48913

PART IV:

ALIEN EMPLOYMENT
Labor/ETA proposals on certification (2 documents); comments by 12–6–76 ..... 48938, 48947

PART V:

COMMERCIAL DIVING
Labor/OSHA DOT/CG proposal on operations; comments by 12–6–76; hearing with DOT/CG 12–16 and 12–17–76 (2 documents) 48950, 48969

PART VI:

ABANDONMENT OF RAIL LINES
ICC adopts branch line accounting system 48971

PART VII:

MINIMUM WAGES
Labor/ESA issues determinations and index for Federal and federally assisted construction 2 documents) 48980, 49012

PART VIII:

PRIVACY ACT OF 1974
TVA gives notice of systems of records 49063

PART IX:

PRIVACY ACT OF 1974
Federal Pay Advisory Committee issues notice of systems of records 49079

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Commodity transactions financed by AID:
- Bill of lading; complete statement of charges 48732
- Commissions and service payments; Cambodia, Laos and Vietnam 48732

AGING, FEDERAL COUNCIL

Notices

Meetings 48793

AGRICULTURAL MARKETING SERVICE

Rules

Limitation of handling:
- Lemons grown in Calif. and Ariz 48720

Oranges and grapefruit grown in Tex. (2 documents) 48719

AGRICULTURAL RESEARCH SERVICE

Rules

Poultry improvement plan, National; classification changes, etc 48723

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Research Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Packers and Stockyards Administration; Rural Electrification Administration.

Notices

Meetings:
- Civil Rights Citizens Advisory Committee 48761

AIR FORCE DEPARTMENT

Notices

Meetings:
- Community College Advisory Committee 48770

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Meat and poultry inspection, mandatory:
- Labeling restrictions relieved for certain meat food products containing pork; removed 48721
- Liver sausage and braunschweiger; identity standards 48721
- Mechanical deboning of meat, standards; revocation 48743
- Taiwan, Republic of China; importation into U.S 48722

Overtime services relating to imports and exports:
- Animals; overtime at laboratories, border ports, ocean ports and airports 48721

Notices

Stockyards and slaughtering establishments; specific approval 48913

ARMY DEPARTMENT

See Engineers Corps.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1975; additions and deletions (2 documents) 48766, 48767

CANADA AND UNITED STATES-INTERNATIONAL JOINT COMMISSION

Notices

Great Lakes: water quality objectives; public hearing notice 48799

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Air Midwest certification proceeding; domestic passenger-fare investigation 48762

TACA International Airlines, Inc 48763

CIVIL SERVICE COMMISSION

Rules

Voting rights program:
- Texas 48739

Notices

Noncareer executive assignment:
- Health, Education and Welfare Department (3 documents) 48763
- Labor Department (2 documents) 48763

COAST GUARD

Notices

Diving standards, commercial; memorandum of understanding with OSHA; hearing 48969

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

COMMUNITY SERVICES ADMINISTRATION

Rules

Freedom of information; fees 48739

COPYWRITED WORKS, NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES

Notices

Meetings 48820

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Aluminum wire connections, household systems; standards development 48767

DEFENSE DEPARTMENT

See also Air Force Department; Army Department Engineers Corps.

Notices

Meetings:
- Defense Industry Advisory Group in Europe 48770

DISEASE CONTROL CENTER

Proposed Rules

Gas detector tube certification; classification and labeling 48753

EDUCATION OFFICE

Proposed Rules

Higher education and vocational students, low interest loans:
- Guaranteed student loan program; escrow agent disbursement plan ... 48910
- Guaranteed student loan program; revised requirements and guidelines ... 48862

Notices

Applications and proposals closing dates:
- Metric Education Program ... 48793

EMPLOYMENT AND TRAINING ADMINISTRATION

Proposed Rules

Alien permanent employment in U.S.; labor certification ... 48938

Migrant and seasonal farmworkers; employment service complaint system, monitoring, and enforcement; extension of time ... 48746

Notices

Employment transfer and business competition determinations; financial assistance applications ... 48799

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Index to general wage determination decisions and modifications ... 49012

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions ... 48980

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Restricted data or defense information:
- Criteria and procedures for determining eligibility for access ... 48727

ENGINEERS CORPS

Proposed Rules

Danger zones:
- California ... 48747

ENVIRONMENTAL PROTECTION AGENCY

Rules

Water pollution; effluent guidelines for certain point source categories:
- Fruits and vegetables, canned and preserved ... 48736

Water quality standards; State programs:
- Arizona; correction ... 48737

Proposed Rules

Air quality implementation plans; various States, etc.:
- Iowa ... 48750
- Massachusetts ... 48752
- New Jersey; correction ... 48752

Notices

Environmental impact statements; availability:
- Shell Chemical Co ... 48778

Environmental statements; availability of agency comments ... 48771

Environmental statements, availability, etc.:
- Shell Oil Co., Polypropylene Plant ... 48778

Pesticide registration, applications ... 48770

Water Quality Management Program Development, guidelines for state and areawide water; availability for public review and comment ... 48777

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements:
- Availability, etc ... 48767

FARMERS HOME ADMINISTRATION

Notices

Disaster and emergency areas:
- Louisiana ... 48760
- New York ... 48760
- North Carolina ... 48760
- Texas (2 documents) ... 48760, 48761
- Virginia ... 48761

FEDERAL HOME LOAN BANK BOARD

Rules

Federal savings and loan system:
- Merger, dissolution, reorganization and conversion; procedure effective date; CFR correction ... 48727

Savings and loan holding companies:
- Regulated activities; authority delegations ... 48728

Notices

Applications:
- Heizer Corp ... 48778

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National; flood elevation determinations, etc.:
- Alabama ... 48733
- Connecticut ... 48734
- Pennsylvania (3 documents) ... 48732, 48734, 48735

Notices

Flood Insurance Program, National; status of negotiations between FIA and National Flood Insurers Association ... 48794

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:
- Johnson Scanstar Service Agreement ... 48778

FEDERAL PAY, ADVISORY COMMITTEE

Notices

Privacy Act of 1974; systems of records ... 49079

FEDERAL POWER COMMISSION

Proposed Rules

Electric utilities and natural gas companies:
- Statements and reports (schedules); Forms 153, 154A, 154M, 162A, and 162M; extension of time ... 48745

Policy and interpretations:
- Regulatory information system (RIS) data bases, etc.; access; extension of time ... 48745

Notices

Hearings, etc.:
- Alabama Power Co ... 48778
- Alabama-Tennessee Natural Gas Co. et al ... 48779
- Algonquin Gas Transmission Co., et al ... 48780
- Area Rate Proceedings, et al. (2 documents) ... 48780, 48787
- Central Vermont Public Service Corp ... 48781
- Columbia Gas Transmission Corp ... 48782
- East Tennessee Natural Gas Co. ... 48783
- Georgia Power Co ... 48783
- Great Lakes Gas Transmission Co ... 48784
- Gulf States Utilities Co ... 48784
- Interstate Power Co ... 48784
- Kansas-Nebraska Natural Gas Co., Inc ... 48785
- Kansas Power & Light Co ... 48785
- Maine Public Service Co ... 48785
- Mississippi Power Co ... 48785
- Niagara Mohawk Power Corp ... 48786
- North Penn Gas Co ... 48786
- Northern Natural Gas Co. (2 documents) ... 48787
- Orange and Rockland Utilities, Inc.; Rockland Electric Co ... 48787
- Panhandle Eastern Pipe Line Co ... 48788
- Panhandle Eastern Pipe Line Co.; Trunkline Gas Co ... 48788
- Potomac Edison Co ... 48789
- Public Service Co. of New Mexico ... 48789
- Tennessee Gas Pipeline Co. (2 documents) ... 48789
- Texas Eastern Transmission Corp ... 48790
- United Gas Pipe Line Co. (2 documents) ... 48791, 48792
- Wisconsin Public Service Corp (2 documents) ... 48792, 48793

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
- Grizzly bear ... 48757

Notices

Endangered species permits; applications (4 documents) ... 48794–48798

CONTENTS

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
- Glyceryl guaiacolate injection — 48732
- Levamisole hydrochloride and piperazine dihydrochloride — 48731
- Tylosin; sponsor change — 48732

Color additives:
- Manganese violet; externally applied cosmetics — 48730
- Ultramarines; externally applied cosmetics — 48730

Notices

Food additives, petitions filed or withdrawn:
- Dupont de Nemours, E. I., & Co. — 48793

Human drugs:
- Estrogen, physician and patient labeling for general use; correction — 48793
- Radiopharmaceutical drug products, certain — 48792

FOREST SERVICE

Notices

Authority delegations:
- Regional Forester, Alaska — 48761

GENERAL SERVICES ADMINISTRATION

Rules

Property management:
- Federal — 48737

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Disease Control Center; Food and Drug Administration; Social and Rehabilitation Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Rules

Judgment funds:
- Per capita shares handling and protection; Indian minors, legal competents, etc — 48735

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Procedural rules:
- Public inspection of rulings, determination letters and technical advice memorandums — 48740

Proposed Rules

Procedural rules:
- Public inspection of rulings and determination letters; withdrawn — 48746

INTERSTATE COMMERCE COMMISSION

Rules

Accounts, uniform system:
- Rail carriers — 48971

Notices

Fourth section applications for relief — 48832

Hearing assignments — 48831

Motor carriers:
- Board transfer proceedings — 48832
- Temporary authority applications — 48832

Petitions filing:
- Defense Department — 48831

Rerouting of traffic:
- St Johnsbury and Lamoille County Railroad — 48837

Transportation of waste products for reuse — 48836

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.

Proposed Rules

Immigrant labor certifications:
- Aliens seeking permanent employment; CFR Part revised and transferred — 48947

Notices

Unemployment compensation:
- State laws, certification (2 documents) — 48800

Adjustment assistance:
- Allegro Shoe Corp — 48801
- American Motors Corp — 48801
- Barash, P. J., Associates, Inc — 48816
- Birenbaum, Louis — 48813
- Bleeker Street — 48804
- Brown Shoe Co — 48804
- Carr Leather Co — 48805
- Davjo Manufacturing Co — 48805
- Del Lee Dress Co — 48806
- Dorn Shirt Co — 48806
- Dumold Co — 48806
- Eckhaus, Abraham — 48801
- Ellison Clothes, Inc — 48807
- Fairchild Camera & Instrument Corp. — 48807
- Four Seasons Fashions — 48808
- Gary Garment Co — 48808
- Gotham Fifth Avenue, Inc — 48809
- GTE Sylvania — 48809
- Honeycomb, Inc — 48809
- Indian Head Shoe Co., Inc — 48810
- Inselman, Jack L., & Co — 48811
- International Shoe Co — 48810
- Irving Leight, Inc — 48810
- J. H. Rutter-Rex-Mfg. Co., Inc — 48811
- Jay-El Dress Co — 48811
- Jeff Richards, Inc — 48812
- Kennett Canning Co — 48812
- Libby Originals, Inc — 48813
- Louis Clark, Inc — 48813
- Marlboro Footwear Corp — 48814
- Midwest Footwear, Inc — 48814
- Midwest Machinery Movers — 48815
- My Own Blouse, Incorp — 48815
- National Tanning & Trading Corp — 48815
- RCA Corp — 48816
- S. Rothschild & Co., Inc — 48816
- Sagamore Shoe Co., Inc — 48817
- Southwest Steel Rolling Mills — 48817
- Traverly Manufacturing, Inc — 48818
- United Screw & Bolt Corp — 48818
- Villager Industries, Inc — 48818
- Warnaco Men's Sportswear — 48819
- Washington Stove Works — 48819
- Wilbar's, Inc — 48819

LAND MANAGEMENT BUREAU

Rules

Outer Continental Shelf; oil and gas leasing:
- Bidders, qualified joint — 48738

Proposed Rules

Minerals leasing:
- Coal exploration licenses, federally-owned deposits — 48754

Notices

Environmental statements; availability, etc.:
- Outer Continental Shelf; North Atlantic States, oil and gas leasing; hearings — 48794

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Environmental statements; availability, etc.:
- Fishery conservation and management — 48763 ~~48759~~

Marine mammal permit applications, etc.:
- Ocean Wonderworld — 48764

Meetings:
- New England Regional Fishery Management Council — 48764
- Pacific Regional Fishery Management Council — 48764
- Pacific Regional Fishery Management Council's Scientific and Statistical Committee — 48765

NATIONAL PARK SERVICE

Notices

Meetings:
- Gateway National Recreation Area Advisory Commission — 48799

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
- Reactor Safeguards Advisory Committee — 48820

Subcommittee on Emergency Core Cooling (ECCS) systems; Reactor Safeguards Advisory Committee — 48821

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Health and safety standards:
- Diving operations; emergency temporary standard — 48742

Proposed Rules

Health and safety standards:
- Arsenic, inorganic; exposure — 48746
- Diving operations — 48950

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Posting and deposting of stockyards:
California Auction & Liquidators, Riverdale, Calif. 48761

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Notices

Privacy Act of 1974; system of records; correction 48821

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Information, public:
Electric distribution plant; line grounding requirements and guidelines; Bulletin 83–1 issuance 48744
Loan management programs; 48744

Notices

Loan guarantees proposed:
Indiana Statewide Rural Electric Cooperative, Inc. 48761
Puerto Rico Water Resources Authority 48762

SECURITIES AND EXCHANGE COMMISSION

Notices

Meetings:
Corporate Disclosure Advisory Committee 48822
Self-regulatory organizations; proposed rules changes:
American Stock Exchange, Inc. 48822
Hearings, etc.:
Allied Capital Corp. 48822
Astron Fund, Inc. 48823
Central and South West Corp. 48826
General Public Utilities 48826
Midwest Securities Trust Co. 48827
Monongahela Power Co. 48827
Ohio Edison Co. 48828
Options Clearing Corp. 48829
West Penn Power Co. 48829

SOCIAL AND REHABILITATION SERVICE

Rules

Medical assistance programs:
Capital expenditures 48738

STATE DEPARTMENT

See Agency for International Development.

TENNESSEE VALLEY AUTHORITY

Notice

Privacy Act of 1974; system of records, correction 49063

TEXTILE AGRREEMENTS IMPLEMENTATION COMMITTEE

Notices

Man-made textiles:
Korea, republic of (2 documents) 48765

TRANSPORTATION DEPARTMENT

See also Coast Guard.

Notices

Interstate highway 40 in Memphis, construction grant; hearing 48829

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Income tax treaties; discussions with listed countries:
Sri Lanka 48830

VETERANS ADMINISTRATION

Notices

Meetings:
Central Office Education and Training Review Panel 48831

Proposed Rules

Adjudication; pensions, compensation, dependency, etc.:
Widows, widowers, and children; increased compensation 48747

"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 46527, Oct. 21, 1976)

RESERVATIONS: JANET SOREY, 523–5282

PRIVACY ACT OF 1974

ANNUAL PUBLICATION OF SYSTEMS OF RECORDS

This listing identifies those agencies that have submitted documents to the Office of the Federal Register in compliance with the annual publication requirements of 5 U.S.C. 552a(e)(4). The date of publication and page citation follow each agency.

Agency	Publication Date	Page
Administrative Conference of the United States	9-16-76	40040
Advisory Committee on Federal Pay	11-5-76	49079
Agency for International Development	9-13-76	38900
Agriculture Department	9-14-76	39196
American Battle Monuments Commission	9-16-76	40043
Board for International Broadcasting	10-27-76	47199
Central Intelligence Agency	9- 7-76	37692
Civil Aeronautics Board	9-17-76	40418
Civil Service Commission	9-24-76	42158
Commerce Department	9-13-76	38950
Committee for Purchase from Blind and Other Severely Handicapped	9-22-76	41526
Commodity Futures Trading Commission	9-14-76	39152
Community Services Administration	9-15-76	39684
Consumer Product Safety Commission	9- 2-76	37292
*Defense Department	10-12-76	44715
Energy Research and Develoment Administration	11-2-76	48272
Environmental Protection Agency	9-15-76	39689
Equal Employment Opportunity Commission	9-24-76	42170
Farm Credit Administration	9-15-76	39693
Federal Communications Commission	9-22-76	41528
Federal Deposit Insurance Corporation	9-17-76	40424
Federal Energy Administration	9-16-76	40076
Federal Home Loan Bank Board	9-14-76	39168
Federal Paperwork Commission	9-22-76	41524
Federal Power Commission	9-13-76	38932
Federal Reserve System	9-15-76	39702
Federal Trade Commission	9-15-76	39711
General Services Administration	9- 8-76	38088
Correction	9-15-76	39389
Harry S. Truman Scholarship Foundation	8-27-76	36278
Health, Education, and Welfare Department	9-20-76	40707
Inter-American Foundation	To be published 11-8-76	
Interior Department	9-21-76	41222
International Boundary and Water Commission—United States Section	8-25-76	36004
International Trade Commission	9-16-76	40045
Interstate Commerce Commission	9-17-76	40430
Justice Department	9-16-76	39916
Management and Budget Office	10-7-76	44292
Marine Mammal Commission	9-15-76	39731
National Advisory Council on Economic Opportunity	To be published 11-9-76	
National Aeronautics and Space Administration	9-13-76	38918
National Credit Union Administration	10-13-76	44982
National Labor Relations Board	9-14-76	39184
National Science Foundation	10-28-76	47383
National Study Commission on Records and Documents of Federal Officials	9-16-76	40048
Nuclear Regulatory Commission	9-27-76	42328
Panama Canal Zone	9-21-76	41358
Pennsylvania Avenue Development Corporation	10-26-76	47012
Postal Rate Commission	8-31-76	36749
Postal Service	10-14-76	45132
President's Commission on Personnel Interchange	9-16-76	40050
President's Commission on White House Fellowships	10- 5-76	44029
Privacy Protection Study Commission	9-17-76	40436
Railroad Retirement Board	9-16-76	40051
Renegotiation Board	10-26-76	47017
Securities and Exchange Commission	9-22-76	41550
Small Business Administration	9-22-76	41648
State Department	9-21-76	41330
Tennessee Valley Authority	9-17-76	40437
Correction	11-5-76	49063
*Transportation Department	9-27-76	42228
Treasury Department	10-14-76	45164
United States Information Agency	9-23-76	41684
Veterans Administration	9- 7-76	37718

*The Defense and Transportation Departments have submitted magnetic tapes containing the text of the agency's Systems of Records. The full printed text will appear in the *Privacy Act Issuances, 1976 Compilation*, that is being published by the Office of the Federal Register under § 3 of the Privacy Act.

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.

7 CFR

906 (2 documents) 48719
910 48720

PROPOSED RULES:

1701 (2 documents) 48744

9 CFR

97 48721
317 48721
319 (2 documents) 48721, 48743
327 48722
445 48723
447 48723

10 CFR

710 48727

12 CFR

546 48727
584 48728

18 CFR

PROPOSED RULES:

2 48745
141 48745
260 48745

20 CFR

PROPOSED RULES:

651 48746
653 48746
656 48938
658 48746

21 CFR

8 (2 documents) 48730
520 48731
522 48732
558 48732

22 CFR

201 (2 documents) 48732

24 CFR

1917 (5 documents) 48732–48735

25 CFR

60 48735
104 48735

26 CFR

601 48740

PROPOSED RULES:

601 48746

29 CFR

1910 48742

PROPOSED RULES:

60 48947
1910 (2 documents) 48746, 48950
1915 48950
1916 48950
1917 48950
1918 48950
1926 48950

33 CFR

PROPOSED RULES:

204 48747

38 CFR

PROPOSED RULES:

3 48747

40 CFR

120 48737
407 48736

PROPOSED RULES:

52 (3 documents) 48750, 48752

41 CFR

101–11 48737

42 CFR

PROPOSED RULES:

84 48753

43 CFR

3300 48738

PROPOSED RULES:

3500 48754
9230 48754

45 CFR

250 48738
801 48739
1005 48739

PROPOSED RULES:

177 (2 documents) 48862, 48910

49 CFR

1201 48972

50 CFR

PROPOSED RULES:

17 48757

CUMULATIVE LIST OF PARTS AFFECTED DURING NOVEMBER

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 November.

1 CFR

Ch. 1 47909
301 47909

5 CFR

316 48317
151 48110
771 48110
772 48110
2515 47910

7 CFR

Ch. I 48317
58 48509
246 48119
906 ..... 48510, 48719
910 48720
908 48510
1430 48120
1822 48317

PROPOSED RULES:

905 48366
913 48540
989 48540
1033 47940
1427 48131
1430 48570
1701 48744
1871 47944

8 CFR

PROPOSED RULES:

3 47939
292 47939

9 CFR

97 48721
317 48721
319 ..... 48721, 48743
327 48722
445 48723
447 48723

10 CFR

206 48318
211 48319
212 ..... 48319, 48324
420 48325
710 48727

PROPOSED RULES:

209 48129

12 CFR

4 ..... 47934, 48334
5 ..... 47934, 48334
8 48335
9 ..... 47934, 47937
221 48335
546 48727
584 48728

PROPOSED RULES:

563 48377
570 48377

13 CFR

316 48116

14 CFR

37 48511
39 ..... 47911, 47912, 48511–48513
71 ..... 47913, 48513, 48514
75 ..... 47913, 48514
97 ..... 47913, 48515
300 ..... 48116, 48119

PROPOSED RULES:

39 ..... 47946, 47947
71 ..... 47947, 47948, 48371, 48541
73 48541
91 48371
207 48371
208 48371
212 48371
214 48371
217 48371
221 ..... 48376, 48377
241 48371
249 48371
300 48129
373a 48371
389 48371

15 CFR

50 48335
923 48112

16 CFR

13 ..... 48113, 48114
419 48516
303 48115
703 47914
1009 47914

17 CFR

1 48112
15 48112
17 48112
240 48335
241 ..... 48335, 48336

PROPOSED RULES:

240 ..... 48377, 48379
259 48130

18 CFR

PROPOSED RULES:

2 48745
141 ..... 45130, 48745
260 ..... 45130, 48745

19 CFR

PROPOSED RULES:

155 48132
159 48132

20 CFR

404 47915
405 47915
410 47915
416 47915
602 48250
604 48250
605 48250
653 48250

PROPOSED RULES:

651 48746
653 48746
656 48938
658 48746

21 CFR

2 48261
8 ..... 48265, 48730
10 48265
202 48266
207 48097
310 47919
312 48266
429 48267
431 48267
433 48267
436 48099
448 48100
510 48100
511 48268
514 48268
520 ..... 48100, 48731
522 48732
558 48732
573 48100
1003 48268
1004 48269
1210 48269

PROPOSED RULES:

121 48125
452 48125

22 CFR

201 48732
811 47919

23 CFR

140 48516
740 48682

24 CFR

570 48476
1917 ..... 48110–48132, 48337–48341, 48535–48538, 48732–48735
2205 48538

PROPOSED RULES:

1917 ..... 48366–48370, 48542–48552

25 CFR

60 48735
104 48735

26 CFR

601 48740

PROPOSED RULES:

1 48132–48134
48 48346
601 48746

27 CFR

5 48120

29 CFR

1910 48742
2608 48480
2610 48484

PROPOSED RULES:

60 48947
1910 ..... 48746, 48950
1915 48950
1916 48950
1917 48950
1918 48950
1926 48950
2608 48492
2610 48498
2615 48504

31 CFR

PROPOSED RULES:

350 47959

33 CFR

117 48516

PROPOSED RULES:

40 47944
117 47945
204 48747

36 CFR

221 48538

38 CFR

21 47927

PROPOSED RULES:

3 48747

40 CFR

60 48342
61 48342
120 48737
407 48736
416 48516
455 48088

PROPOSED RULES:

52 ..... 47949–47956, 48044, 48750, 48752
60 48706

41 CFR

8–7 48516
8–18 48516
101–11 48737
101–32 48519

PROPOSED RULES:

60–2 48128
60–5 48128
60–8 48128

42 CFR

PROPOSED RULES:

54 48242
84 48753

43 CFR

3300 48738

PROPOSED RULES:

3500 ..... 48124, 48754
3510 48124
9230 48754

45 CFR

250 48738
801 ..... 47938, 48739
1005 48739

PROPOSED RULES:

177 ..... 48862, 48910

47 CFR

0 48343
21 47931
73 47931
74 48519
89 48520
91 48520
93 48520

PROPOSED RULES:

73 47956

49 CFR

1 48122
218 48343
501 47933
1033 ..... 48122, 48343, 48344
1090 48344
1121 48520
1201 48972

PROPOSED RULES:

173 48553
571 48555
218 48126
265 48371
393 47948
1090 48130

50 CFR

20 48534
32 ..... 48345, 48535

PROPOSED RULES:

17 48757

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*
47909–48096	Nov. 1
48097–48315	2
48317–48508	3
48509–48718	4
48719–49081	5

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 7—Agriculture

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

[Orange Reg. 28]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Grade and Size Requirements

This regulation sets minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

On October 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 44868) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 15 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 7, 1976, under § 906.356 Orange Regulation 27 (40 FR 51177). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with at least 60 percent of the oranges grading at least U.S. No. 1), or U.S. No. 2, and be at least $2^{6}/_{16}$ inches in diameter. The grade and size requirements, which become effective November 8, 1976, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. These requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (41 FR 44868), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipment of oranges from the production area is now in progress, and this regulation should be applicable insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

§ 906.358 Orange Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2–6/16 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

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

Dated: November 2, 1976.

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

[FR Doc.76-32638 Filed 11-4-76;8:45 am]

[Grapefruit Reg. 28]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Grade and Size Requirements

This regulation sets minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

On October 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 44868) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 15 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through Novem-

ber 7, 1976, under § 906.357 Grapefruit Regulation 27 (40 FR 51178). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3$^{5}/_{16}$ inches in diameter.

The regulation, which becomes effective November 8, 1976, is comparable to the one effective during the 1975-76 season. The minimum size requirement of 3$^{5}/_{16}$ inches during the first part of the season is designed to delay harvest of smaller fruit until it reaches full size in late February. Then it is desirable to lower the minimum size requirement to 3$^{5}/_{16}$ inches as most of the fruit has reached its full size, as much of the larger sized fruit has been shipped, and as the available supplies of grapefruit have diminished.

The action is necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. These requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (41 FR 44868), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipment of grapefruit from the production area is now in progress, and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act.

§ 906.359 Grapefruit Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$^{5}/_{16}$ inches: *Provided*, That during the period February 21, 1977, through November 6, 1977, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3$^{5}/_{16}$ inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

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

Dated: November 2, 1976.

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

[FR Doc.76–32639 Filed 11–4–76;8:45 am]

[Lemon Regulation 65]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling Preamble

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period November 7–13, 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.

§ 910.365 Lemon Regulation 65.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is seasonally slower due to cooler autumn weather over much of the country. Average f.o.b. price was $5.46 per carton the week ended October 30, 1976, compared to $5.64 per carton the previous week. Track and rolling supplies at 85 cars were down 5 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and informa-

tion concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 2, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 7, 1976, through November 13, 1976, is hereby fixed at 210,000 cartons.

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

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

Dated: November 3, 1976.

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

[FR Doc.76-32876 Filed 11-4-76;2:33 pm]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

• *Purpose.* The purpose of this amendment is to amend 9 CFR 97.1 relating to charges for overtime work at border, coastal, and air ports. •

Veterinary Services inspectors of the United States Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and air ports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91–656) and Executive Order 11941, dated October 1, 1976.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260); the first sentence of § 97.1, Part 97, Title 9, Code of Federal Regulations, is revised to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $21.32 per man hour per employee on a Sunday and at a rate of $14.60 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

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

Effective date: The foregoing amendment shall become effective October 10, 1976, when it shall supersede 9 (CFR 97.1, effective October 12, 1975.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 2d day of November 1976.

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

[FR Doc.76-32636 Filed 11-4-76;8:45 am]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Labeling Restrictions Relieved for Certain Meat Food Products

• *Purpose.* The purpose of this document is to delete from the Federal meat inspection regulations a proviso intended to temporarily relieve a labeling restriction and which has since expired. •

On September 17, 1975, an amendment effective only until July 1, 1976, was promulgated in the Federal meat inspection regulations temporarily to relieve a labeling restriction considered unsatisfactory due to an extreme shortage of pork.

The time period provided for this amendment has expired; therefore, since it is of no effect, it is being deleted.

Accordingly, § 317.2 is amended by deleting the following proviso from the end of subdivision (v) of § 317.2(f)(1):

§ 317.2 Labels; definition; required features.

* * * * * * *

(f) * * *

(1) * * *

(v) * * *; *and provided further,* That until July 1, 1976, the term "30 percent" referred to this paragraph shall be '10 percent' with respect to pork.

* * * * * * *

(Sec. 21, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621); 37 FR 28464, 28477.)

This amendment only constitutes a housekeeping measure to remove language from the regulations which is no longer of any effect, and its adoption will have no impact upon any member of the public. Therefore, the notice, public rulemaking procedure and effective date requirements of 5 U.S.C. 533 are found to be unnecessary and not in the public interest.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

This amendment shall become effective December 6, 1976.

Done at Washington, D.C., on November 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-32564 Filed 11-4-76;8:45 am]

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Liver Sausage and Braunschweiger

• *Purpose.* The purpose of this document is to promulgate a standard of

identity or composition for liver sausage and braunschweiger. •

Statement of considerations: On June 5, 1973, in the FEDERAL REGISTER on page 14742 (38 FR 14742), Subpart H of Part 319 of the Federal meat inspection regulations (9 CFR Part 319, Subpart H) was reserved. This unintentionally removed the provisions of § 319.200 (9 CFR 319.200) which had been located in Subpart H.

On April 27, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER which, among other things, proposed to reestablish a standard of identity or composition for "Liver Sausage" and "Braunschweiger" (41 FR 17563). Interested persons were given until August 25, 1976, to comment on the proposal. While over 1,000 comments on the proposal were received, none of them dealt with the proposed reestablishment of this standard.

The Department believes that, while evaluations of the remainder of the proposal are continuing, a reestablishment of a standard for "Liver Sausage" and "Braunschweiger" should be promulgated to ensure that consumers will continue to receive the product to which they have become accustomed.

The wording of the standard is identical to the prior standard. While the wording differs somewhat from the proposal, all but one of the differences are merely nomenclature changes necessitated by the fact that the entire proposal is not presently being promulgated. The excepted difference, the allowance of certain proposed classes of meat, is still being evaluated.

Therefore, Part 319, Subpart G of the Federal meat inspection regulations is amended by the addition of a new § 319.182 (9 CFR 319.182) to read as follows:

§ 319.182 Liver sausage and braunschweiger.

"Liver Sausage" and "Braunschweiger" are cooked sausages made from fresh and/or frozen pork and pork livers and/or beef livers and may contain cured pork, beef and veal, and pork fat. Liver sausage may also contain beef and pork byproducts, pork skins, sheep livers and goat livers. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 319.140.

(Secs. 7 and 21, 34 Stat. 1260, as amended, (21 U.S.C. 607, 621); 37 FR 28464, 28477.)

In view of the circumstances, it does not appear that further public participation in rulemaking on this amendment would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary.

This amendment shall become effective December 6, 1976.

Done at Washington, D.C., on November 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-32565 Filed 11-4-76;8:45 am]

PART 327—IMPORTED PRODUCTS

Importation of Meat and Meat Products From the Republic of China, (Taiwan)

•*Purpose.* The purpose of this amendment is to add the Republic of China, (Taiwan), to the list of countries from which carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, and goats may be imported into the United States.•

On August 13, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 F.R. 34293) in accordance with the administrative procedure provisions in 5 U.S.C. 553, under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), to amend § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2b)), by adding the Republic of China, (Taiwan), to the list of countries from which carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, or goats, capable of use as human food may be imported into the United States.

Interested persons were afforded an opportunity to file written comments or suggestions by September 9, 1976, and two comments were received. A cattlemen's association only had one concern: would the importation of meat and meat food products from Taiwan pose a foot-and-mouth disease threat to the U.S. cattle industry? The proposed rule only permits Taiwanese plants which meet U.S. inspection requirements to export to the United States products which are otherwise in conformance with U.S. laws and regulations. Meat products permitted entry into this country from the Republic of China, (Taiwan), will be governed by meat and poultry inspection laws and regulations, and by existing APHIS animal disease regulations (9 CFR Part 94). The Republic of China, (Taiwan), is not considered free of foot-and-mouth disease and, therefore, is not eligible to export fresh, frozen, or chilled meats to the United States. The Republic of China, (Taiwan), may export cured or cooked meats to the United States when such meats have been processed in the manner prescribed by the regulations (9 CFR Part 94). As a practical matter; the Republic of China, (Taiwan), has no significant beef production, and the most likely export would be heat-processed canned pork products.

A State Farm Bureau expressed concern in four areas:

1. *The importation of foot-and-mouth disease into this country.* This has been clarified above.

2. *The Republic of China's control of hog cholera through the use of "modified live virus" threatens the U.S. cholera eradication program.* Similar to the foot-and-mouth disease problem above, APHIS animal disease regulations affect the importation of pork products. Currently, the Republic of China, (Taiwan), is not considered by the Department as being free of foot-and-mouth disease, rinderpest, hog cholera, and swine vesicular disease. Therefore, any meat imported from the Republic of China, (Taiwan), is limited to products processed in a manner to destroy any such disease organisms that may be present in the products in accordance with APHIS animal disease regulations (9 CFR Part 94).

3. *Tariffs should be imposed to offset the low cost of production.* Meat and meat food products imported from the Republic of China, (Taiwan), would be subject to tariffs as set forth in the Tariff Schedule of the United States, (TSUS). However, this Department has no authority under the Federal Meat Inspection Act to recommend or to impose tariffs.

4. *Taiwanese plants should be required to meet the same standards as U.S. plants.* Only those countries which have meat inspection systems which insure compliance with provisions with respect to establishments in such countries preparing products for export to the U.S., at least equal to those of the Federal Meat Inspection Act and the regulations thereunder (9 CFR Parts 301–331), and only those countries whose certificates, issued pursuant to 9 CFR Part 327, are reliable, are permitted to export meat and meat food products to the United States. The Department has made a thorough study of the Taiwanese system during the past year, and has determined that their system imposes such "at least equal" provisions and that certificates issued by Taiwanese officials for export of carcasses, parts thereof, meat, and meat food products to the United States, are reliable. This evaluation included a USDA comparison of the laws and regulations of the Republic of China, (Taiwan), with provisions of the Federal Meat Inspection Act and regulations thereunder, and an on-site review by USDA inspectors of the Taiwanese inspection system.

In consideration of the foregoing, § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) is hereby amended by adding the Republic of China, (Taiwan), in alphabetical order to the list of approved countries.

(Secs. 20 and 21, 34 Stat. 1260, as amended, (21 U.S.C. 620, 621); 37 FR 28464, 28477.)

Effective date: December 5, 1976.

Done at Washington, D.C., November 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-32563 Filed 11-4-76;8:45 am]

CHAPTER IV—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

Miscellaneous Amendments

On September 3, 1976, there was published in the FEDERAL REGISTER (41 FR 37452) a notice of proposed amendments of the National Poultry Improvement Plan and Auxiliary Provisions. These proposed amendments were recommended by the 1976 National Plan Conference of representatives of the poultry industry and State agencies cooperating in the administration of the Plan. Included in these proposed amendments was a program for the control of Mycoplasma synoviae in egg-type chicken breeding flocks and amendments to standardize the Mycoplasma gallisepticum and Mycoplasma synoviae testing procedures for both egg and meat-type chicken breeding flocks. The Salmonella typhimurium control program for chicken breeding flocks was replaced with a proposed flock and hatchery sanitation monitoring program designed to reduce all Salmonellae which may be transmitted from the hatching egg to the chick. It also was proposed that the U.S. Salmonella Monitored classification for turkey breeding flocks be deleted from the Plan. Amendments were proposed to change the standards for qualifying flocks for the Mycoplasma classifications.

Poultrymen affected by the foregoing amendments were represented at the 1976 National Plan Conference. Copies of the proposed amendments, when published in the FEDERAL REGISTER (41 FR 37452) as a notice of proposed rule making, were sent to each of the cooperating State agencies, to most of the major hatcherymen in the United States, and to other interested persons. No comments were received concerning the above proposals, and they are adopted and republished in their entirety.

In addition to the proposed amendments mentioned above, there are included in this Docket several amendments which are made for purposes of clarification or correction of existing provisions. Therefore, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944 as amended (7 U.S.C. 429), Title 9, Chapter IV, Subchapter A, Code of Federal Regulations is hereby amended as follows:

Parts 445 and 447 are amended in the following respects:

1. Section 445.1(t) is revised to read as follows:

§ 445.1 [Amended]

* * * * *

(t) *Multiplier breeding flock.* A flock that is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other nonbreeding purposes.

* * * * *

2. Section 445.1(cc) is revised to read as follows:

* * * * *

(cc) *Salmonella.* Any of the species of the bacteria belonging to the Salmonella genus, except that members of the arizona group are not included in this definition.

* * * * *

§ 445.4 [Amended]

3. Section 445.4 is amended by deleting paragraph (e), effective January 1, 1977.

§ 445.10 [Amended]

4. Section 445.10(a) is amended by revising the title to read as follows:

(a) *U.S. Approved.* (See § 445.53(a).)

5. Section 445.10(d) is revised to read as follows:

* * * * *

(d) *U.S. Sanitation Monitored.* (See § 445.23(d) and § 445.33(d).)



FIGURE 5

6. Section 445.10(e) is amended by revising the title to read as follows:

* * * * *

(e) *U.S. M. Synoviae Clean.* (See § 445.23(e) and § 445.33(e).)

7. Section 445.10 is amended by deleting the provisions of paragraph (f) and redesignating (f) as "[Reserved]."

8. Section 445.10(g) is amended by revising the parenthetical portion of the title to read as follows:

* * * * *

(g) * * *. (See § 445.24(a), § 445.34(a), § 445.44(a), and § 445.54(a).)

9. Section 445.10(h) is amended by revising the parenthetical portion of the title to read as follows:

* * * * *

(h) * * *. (See § 445.44(b).)

10. Section 445.11(a) is revised to read as follows.

§ 445.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting and blood testing provided for in § 445.14 and the selecting required for the U.S. Approved classification provided for in § 445.53(a).

* * * * *

§ 445.14 [Amended]

11. Section 445.14(a)(1) is amended by adding a new sentence to read:

* * * * *

(a) *For Salmonella.* (1) * * *. All microtest antigens shall also be approved by the Department.

12. Section 445.14(a) is amended by deleting the provisions of subparagraph (2) and redesignating (2) as "[Reserved]."

13. Section 445.14(b)(1) is amended by adding a new sentence to read:

* * * * *

(1) * * *. HI titers of 1:40 or less may be interpreted as equivocal, and final judgment may be based on further samplings and/or culture of reactors.

14. Section 445.21(b) is revised to read as follows:

§ 445.21 Definitions.

* * * * *

(b) *Chicks.* Newly hatched chickens which have not been fed or watered.

* * * * *

§ 445.23 [Amended]

15. Section 445.23 is amended by revising the title to read as follows:

§ 445.23 Terminology and classification; flocks and products.

16. Section 445.23(b)(2) is revised to read as follows:

* * * * *

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

17. Section 445.23(b)(2)(ii) is revised to read as follows:

* * * * *

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

18. Section 445.23(b)(3) is revised to read as follows:

* * * * *

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

19. Section 445.23(c)(1)(i) is revised to read as follows:

* * * * *

(i) It is a flock in which all birds, or a sample of at least 500 birds in the flock has been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 5 percent may be tested at any one time provided that a total of at least 5 percent of the birds in

the flock, with a maximum of 500 birds and a minimum of 100 birds, is tested within each 90-day period; or

20. Section 445.23(c)(1)(ii)(*a*) is revised to read as follows:

* * * * *

(*a*) At intervals of not more than 90 days, a random sample of at least 2 percent of the birds in the flock, with a maximum of 300 birds per flock and a minimum of 30 birds per pen, shall be tested; or

21. Section 445.23(d) is revised to read as follows:

* * * * *

(d) *U.S. Sanitation Monitored.* This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis.

It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock shall originate from a source where sanitation and management practices, as outlined in § 445.23(d)(1) of this paragraph, are conducted;

(ii) The flock is maintained in compliance with §§ 447.21, 447.24(a), and 447.26 of this chapter;

(iii) All feed should be pelletized and/or crumbled in mills operated at 190° F. or above in facilities for recontamination control;

(iv) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(v) Hatching eggs are collected at least four times a day and are handled as described in § 447.22 and fumigated on the farm as described in § 447.25(a) of this chapter; and

(vi) Chicks are hatched in a hatchery meeting the requirements of §§ 447.23 and 447.24(b) and are in compliance with § 447.25(b) of this chapter.

(2) The Official State Agency may use the procedures described in § 447.14 of this chapter to monitor the effectiveness of the sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

22. Section 445.23 is amended by adding a new paragraph (e) to read as follows:

* * * * *

(e) *U.S. M. Synoviae Clean.* (1) A flock maintained in compliance with the provisions of § 447.26 and in which freedom from M. synoviae has been demonstrated under the criteria specified in paragraph (e)(1)(i) or (ii) of this section.

(i) It is a flock in which 5 percent, or a maximum sample of 500 birds and a minimum of 30 birds in the flock has been tested for M. synoviae as provided for in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 3 percent of the birds, with a maximum of 500 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 3 percent may be tested at any one time provided that a total of at least 3 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 30 birds, is tested within each 90-day period.

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 1 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds, has been tested for M. synoviae as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 1 percent of the birds, with a maximum of 300 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That a sample of less than 1 percent may be tested at any one time, provided that a minimum of 30 birds per flock is tested each time and a total of at least 1 percent of the birds, or a maximum of 300 birds, is tested within each 90-day period.

(2) A participant handling U.S. M. Synoviae Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 447.24(a).

23. Section 445.31(b) is revised to read as follows:

§ 445.31 Definitions.

* * * * *

(b) *Chicks.* Newly hatched chickens which have not been fed or watered.

* * * * *

24. Section 445.32(c) is amended by revising the first portion to read as follows:

§ 445.32 Participation.

* * * * *

(c) Hatching eggs produced by primary breeding flocks shall be fumigated according to the procedures described in § 447.25(a): *Provided*, That alternative * * *.

§ 445.33 [Amended]

25. Section 445.33 is amended by revising the title to read as follows:

§ 445.33 Terminology and classification; flocks and products.

26. Section 445.33 is amended by deleting the provisions of paragraph (a) and redesignating (a) as "[Reserved]."

27. Section 445.33(b)(2) is revised to read as follows:

* * * * *

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

28. Section 445.33(b)(2)(ii) is revised to read as follows:

* * * * *

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

29. Section 445.33(b)(3) is revised to read as follows:

* * * * *

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

30. Section 445.33(b)(4) is amended by revising the first portion to read as follows:

* * * * *

(4) It is a multiplier breeding flock located in a State which has been determined by the Service to be in compliance with the provisions of paragraph (b)(3) of this section, and in which * * *.

* * * * *

31. Section 445.33(c)(1)(i) is revised to read as follows:

* * * * *

(i) All birds have been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided*, That birds in primary breeding flocks may be sample tested after qualifying for this classification for two generations. This random sample shall consist of 500 birds in flocks of more than 500 and each bird in flocks of 500 or less: *And provided further*, That to retain this classification a random sample of 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 5 percent may be

tested at any one time provided that a total of at least 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, is tested within each 90-day period; or

32. Section 445.33(c)(1)(ii) is revised to read as follows:

* * * * *

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and a sample comprised of 50 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds per flock, has been tested for M. gallisepticum as provided in § 445.14 (b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

33. Section 445.33(c)(1)(ii)(*a*) is revised to read as follows:

* * * * *

(*a*) At intervals of not more than 90 days, a random sample of at least 2 percent of the birds in the flock, with a maximum of 300 birds in the flock and with a minimum of 30 birds per pen, shall be tested; or

34. Section 445.33(c)(1)(ii)(c) is deleted.

35. Section 445.33(d) is revised to read as follows:

* * * * *

(d) *U.S. Sanitation Monitored.* This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock shall originate from a source where sanitation and management practices, as outlined in § 445.33(d)(1) of this paragraph, are conducted;

(ii) The flock is maintained in compliance with §§ 447.21, 447.24(a), and 447.26 of this chapter;

(iii) All feed should be pelletized and/or crumbled in mills operated at 190° F. or above in facilities for recontamination control;

(iv) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(v) Hatching eggs are collected at least four times a day and are handled as described in § 447.22 and fumigated on the farm as described in § 447.25(a) of this chapter; and

(vi) Chicks are hatched in a hatchery meeting the requirements of §§ 447.23 and 447.24(b) and are in compliance with § 447.25(b) of this chapter.

(2) The Official State Agency may use the procedures described in § 447.14 of this chapter to monitor the effectiveness of the sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

36. Section 445.33(e)(1)(i) and (ii) is revised to read as follows:

* * * * *

(i) It is a flock in which 5 percent, or a maximum sample of 500 birds and a minimum of 30 birds in the flock has been tested for M. synoviae as provided for in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 3 percent of the birds, with a maximum of 500 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 3 percent may be tested at any one time provided that a total of at least 3 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 30 birds, is tested within each 90-day period.

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 1 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds, has been tested for M. synoviae as provided in § 445.14(b) when more than 4 month of age: *Provided*, That to retain this classification, a random sample of at least 1 percent of the birds, with a maximum of 300 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That a sample of less than 1 percent may be tested at any one time provided that a minimum of 30 birds per flock is tested each time and a total of at least 1 percent of the birds, or a maximum of 300 birds, is tested within each 90-day period.

§ 445.41 [Amended]

37. Section 445.41(a) is revised to read as follows:

(a) *Poults.* Newly hatched turkeys which have not been fed or watered.

38. Section 445.41(b) is deleted.

§ 445.43 [Amended]

39. Section 445.43 is amended by revising the title to read as follows:

§ 445.43 Terminology and classification; flocks and products.

40. Section 445.43(b)(2) is revised to read as follows:

* * * * *

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

41. Section 445.43(b)(2)(ii) is revised to read as follows:

* * * * *

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

42. Section 445.43(b)(3) is revised to read as follows:

* * * * *

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

43. Section 445.43(c)(1) is revised to read as follows:

* * * * *

(1) A flock maintained in accordance with the conditions and procedures described in § 447.26 of this chapter, and in which no reactors are found when a random sample of at least 10 percent of the birds in the flock, or 300 birds in flocks of more than 300 and each bird in flocks of 300 or less, is tested when more than 4 months of age, in accordance with the procedures described in § 445.14(b).

44. Section 445.43 (d), (e), and (f) are deleted.

§ 445.53 [Amended]

45. Section 445.53 is amended by revising the title to read as follows:

§ 445.53 Terminology and classification; flocks and products.

46. Section 445.53(b)(2) is revised to read as follows:

* * * * *

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

47. Section 445.53(b)(2)(ii) is revised to read as follows:

* * * * *

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

48. Section 445.53(b)(3) is revised to read as follows:

* * * * *

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean

breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

49. Section 445.53(c)(1)(ii)(c) is deleted.

50. In Part 447, Subpart A, Table of Contents is amended by revising title of § 447.5 to read as follows:

Sec.
447.5 The microagglutination test for pullorum-typhoid.

51. Part 447, Subpart B, Table of Contents is amended by adding a new § 447.14 to read as follows:

Sec.
447.14 Procedures to determine status and effectiveness of sanitation monitored program.

52. Part 447, Subpart C, Table of Contents is amended by revising the title of § 447.26 to read as follows:

Sec.
447.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Salmonella and Mycoplasma infections.

53. Section 447.5 is revised to read as follows:

§ 447.5 The microagglutination test for pullorum-typhoid.

Routinely, the microagglutination test is applied as a single-dilution test and only a single 18–24 hour reading is made.

(a) The procedure for the collection and delivery of blood samples in the microagglutination test is the same as that described in § 447.1(a). A method that has proven advantageous is to transfer the serum samples from the blood clot to a microplate as described in "Applied Microbiology," volume 24, No. 4, October 1972, pages 671–672. The dilutions are then performed according to paragraphs (d) or (e) of this section.

(b) Stained microtest antigen for pullorum-typhoid is supplied as concentrated stock suspension and must be approved by the Department.[1] Directions for diluting will be provided with the antigen. The stock as well as the diluted antigen prepared each day should be kept sealed in the dark at 5° to 10° C. when not in use.

(c) Available data indicate that a 1:20 dilution for the microagglutination test is most efficient for the detection of pullorum-typhoid agglutinins in both chickens and turkeys. In all official reports on the blood test, the serum dilutions shall be indicated.

(d) The recommended procedure for the 1:20 dilution in the microagglutination test is as follows:

(1) Add 100 microliters (0.10 cc.) of 0.85 percent physiological saline to each well of the microplate.

(2) Using a microdiluter or a multimicrodiluter handle fitted with twelve 10 microliter microdiluters, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the distilled water wash, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394–399.

(3) Dilute the microtest antigens with 0.50 percent phenolized saline and add 100 microliters (0.1 cc.) to each microplate well.

(4) Seal each plate with a plastic sealer or place unsealed in a tight incubation box as described in "Applied Microbiology," volume 23, No. 5, May 1972, pages 931–937. Incubate at 37°C. for 18–24 hours.

(5) Read the test results as described in paragraph (f) of this section.

(e) The recommended procedure for a microagglutination test titration is as follows:

(1) Add 50 microliters (0.05 cc.) of 0.85 percent physiological saline to each well of the microplate.

(2) To the wells representative of the lowest dilution in the titration, add an additional 50 microliters (0.05 cc.) of 0.85 percent physiological saline making a total of 100 microliters in these wells.

(3) Transfer each serum sample as described in § 447.5(d)(2) of this section to the first well containing 100 microliters (0.10 cc.) in the titration, which represents the lowest dilution.

(4) Make two-fold serial dilutions of each serum by transferring 50 microliters (0.05 cc.) of diluted serum from one well to the next using twelve 50 microliter microdiluters fitted in a multimicrodiluter handle. When transfers have been made to all of the wells of the desired series, the 50 microliters remaining in the microdiluters are removed by blotting, touching the microdiluters to the surface of the distilled water wash, and blotting again.

(5) Dilute the desired microtest antigen with 0.50 percent phenolized saline and add 50 microliters (0.05 cc.) to each microplate well.

(6) Seal each plate with a plastic sealer or place the unsealed microplates in a tight incubation box and incubate at 37° C. for 18–24 hours.

(7) Read the test results as described in paragraph (f) of this section.

(f) Read the test results with the aid of a reading mirror. Results are interpreted as follows:

(1) N, or — (negative) when the microplate well has a large, distinct button of stained cells; or

(2) P, or + (positive) when the microplate well reveals no antigen button; or

(3) S, or ? (suspicious) when the microplate well has a small button. Suspicious reactions may tend to be more positive than negative [±] or vice versa [∓] and can be so noted if desired.

§ 447.6 [Amended]

54. Section 447.6 is amended by adding to the introductory paragraph the following sentence:

* * *. Procedures for isolation and identification of Mycoplasma may be found in Isolation and Identification of Avian Pathogens, published by the American Association of Avian Pathologists.

55. Section 447.6(a) is revised to read as follows:

* * * * *

(a) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is positive for M. gallisepticum or M. synoviae:

* * * * *

56. Section 447.6(b)(3) is revised to read as follows:

* * * * *

(b) * * *

(3) If the HI test is negative, the flock may qualify at the discretion of the Official State Agency.

57. Part 447, Subpart B, is amended by adding a new § 447.14 to read as follows:

* * * * *

§ 447.14 Procedures to determine status and effectiveness of sanitation monitored program.[1]

The following monitoring procedures may be applied at the discretion of the Official State Agency:

(a) Monitor effectiveness of sanitation program.

(1) Culture the surface of cased eggs periodically for fecal contaminating organisms as described in § 447.13.

(2) Culture a sample of dead-in-shell eggs periodically from each breeding flock for coliforms. The culture media will be designed to include detection of Salmonella species.

58. Section 447.21(e) is amended by changing the first sentence to read as follows:

§ 447.21 Flock sanitation.

* * * * *

(e) Replacement breeders shall be housed at the proper density consistent with the type of building and locality and which will allow the litter to be maintained in a dry condition. * * *.

* * * * *

59. Section 447.22(c) is amended by adding a sentence to read as follows:

§ 447.22 Hatching egg sanitation.

* * * * *

(c) * * *. The fumigated eggs shall be stored in a cool place at temperatures

[1] Information as to criteria and procedures for approval of concentrated stock suspension of stained microtest antigens may be obtained from the National Poultry Improvement Plan Staff, Building 265, Beltsville Agricultural Research Center-East, Beltsville, Maryland 20705.

[1] Laboratory procedures for monitoring operations proposed here are described in the following two publications: (a) Isolation and Identification of Avian Pathogens, American Association of Avian Pathologists, Texas A & M University, College Station, Texas 77843, 1975 and (b) Culture Methods for the Detection of Animal Salmonellosis and Arizonosis, Iowa State University Press, Ames, Iowa 50010, 1976.

which will prevent the eggs from sweating at any time.

* * * * *

60. Section 447.26 is amended by changing the title, introductory portion of paragraph (a), and paragraph (b)(1) to read as follows:

§ 447.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Salmonella and Mycoplasma infections.

(a) The following procedures are required for participation under the U.S. Sanitation Monitored, U.S. M. Gallisepticum Clean, and U.S. M. Synoviae Clean classifications:

* * * * *

(b) * * *.

(1) Avoid the introduction of Salmonella, Mycoplasma gallisepticum, or Mycoplasma synoviae infected poultry;

* * * * *

61. Section 447.45 is revised to read as follows:

§ 447.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs prescribed in Subparts B, C, D, and E of Part 445 of this chapter in which it has one or more participants at the time of the Conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. A person may vote one proxy from any State, providing he does not represent any other State in the Subpart for which the proxy is given. It is recommended but not required that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the Conference, the recommendations of industry members of his State with respect to each proposed change.

§ 447.46 Committee consideration of proposed changes.

62. Section 447.46(a) is revised to read as follows:

(a) The following four committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:

(1) Egg-type chickens.

(2) Meat-type chickens.

(3) Turkeys.

(4) Waterfowl, exhibition poultry, and game birds.

* * * * *

63. Section 447.47 is amended by revising the first portion of paragraphs (b), (c), and (d) to read, respectively, as follows:

§ 447.47 Conference consideration of proposed changes.

* * * * *

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the four committee chairmen shall * * *.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee for Egg-Type Chickens recommends the adoption of * * *.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee for Egg-Type Chickens does not approve * * *.

* * * * *

Except as otherwise provided, all amendments should be made effective as soon as possible to reflect the interests of the Conference and to effectuate the purpose of the statute (7 U.S.C. 429). Therefore, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Except for the amendments set forth in § 445.4(e), which has a delayed effective date as indicated, the foregoing amendments shall become effective November 5, 1976.

Done at Washington, D.C., this 27th day of October, 1976.

RALPH J. MCCRACKEN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.76-32496 Filed 11-4-76;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA)

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

Applications of Criteria

The Energy Research and Development Administration is amending § 710.10(c) to delete the requirements that Managers of Operations refer all cases involving substantially derogatory information to the Director, Division of Safeguards and Security, ERDA. The amendment will permit Managers of Operations to authorize the conduct of an interview with the individual and, on the basis of such interview, authorize the grant of access authorization, if the question of eligibility has been resolved. In that the amended regulation relates to agency procedure, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply.

Effective November 5, 1976, § 710.10(c) is amended as set out below.

§ 710.10 Application of the criteria.

* * * * *

(c) When the reports of investigation of an individual contain information reasonably tending to establish the truth of one or more of the items in the criteria, such information shall be regarded as substantially derogatory and shall create a question as to the individual's eligibility for access authorization. Managers of Operations may authorize the conduct of an interview with the individual and, on the basis of such interview, may authorize the granting of access authorization. If the question as to the individual's eligibility is not resolved through interview, Managers of Operations will forward the individual's case to the Director, Division of Safeguards and Security, ERDA. The Director, Division of Safeguards and Security, ERDA, may authorize the granting of access authorization or such other investigation as he deems appropriate. Otherwise, a question concerning the eligibility of an individual for access authorization shall be resolved in accordance with the procedures set forth in 710.20 et seq.

* * * * *

(Sec. 145, 68 Stat. 942, as amended; 42 U.S.C. 2165; sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201; Sec. 104, 88 Stat. 1237; 42 U.S.C. 5814; Sec. 105, 88 Stat. 1238; 42 U.S.C. 4815; E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 comp., p. 398, as amended, 3 CFR, Chapter IV.)

Dated at Washington, D.C. this 1st day of November 1976.

ALFRED D. STARBIRD,
Assistant Administrator
for National Security.

[FR Doc.76-32526 Filed 11-4-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

CFR Correction

The text of § 546.2 appearing on pages 450–451 of 12 CFR Part 300 to End, revised as of January 1, 1976 is incorrect. The correct text is set forth below:

§ 546.2 Procedure; effective date.

(a) Two or more associations, at least one of which is a Federal association, may merge in the manner set forth in this part: *Provided*, That any association which is not a Federal association shall first (1) have its accounts insured by the Federal Savings and Loan Insurance Corporation; and (2) comply in all respects with the requirements of law of the jurisdiction of its creation in effecting the merger.

(b) Each assocation, by a two-thirds vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The merger agreement shall state that it shall not be effective unless and until approved by the Board and shall specify (1) which of the associations is to be the resulting association; (2) the name to be used by the resulting association; (3) the location of the home office and any branch offices of the resulting association; (4) the basis upon which the savings accounts of the resulting association shall be issued; and (5) the number of directors, and the names and residence addresses of all persons chosen to serve as directors of the resulting association,

together with the term for which each such director shall serve.

(c) Application for approval by the Board of the merger as provided by the said merger agreement shall be made by filing with the Federal home loan bank of which the resulting association is a member two copies of the merger agreement, properly executed in the name of the respective associations and two certified copies of such portions of the minutes of the meetings of the respective boards of directors as relate to the consideration and approval of the plan of merger by such boards. Upon receipt of such application, the Board will (1) disapprove the merger; (2) approve the merger; or (3) withhold final action but recommend modifications of the plan of merger as submitted; if the modifications recommended by the Board are accepted by the directors of each of the associations, they shall thereupon amend such merger agreement accordingly and shall submit the amended merger agreement in the same manner as hereinabove provided.

(d)(1) Upon determination by the Supervisory Agent that an application for approval of a merger in which one or more of the associations is a Federal mutual association is complete, the Supervisory Agent shall advise the applicants, in writing, ether to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communties being served by the merging associations and the resulting association, or to mail to the members of each such Federal mutual association, within such 15-day period, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 546.2 of the Rules and Regulations for the Federal Savings and Loan System, the _____ Savings and Loan Association, _____, _____, (city) (state) and the _____ Savings and Loan Association, _____, _____ have filed (city) (state) an application with the Federal Home Loan Bank Board for permission to merge, _____ Savings and Loan Association to be the resulting association, operating under the (same name) (name of _____ Savings and Loan Association). (The previous sentence should be appropriately modified if an acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at _____, (street address) _____, _____ (and to maintain all (city) (state) (or the) present branch offices (or office) or to discontinue a branch office (or offices) at the following location (or locations): _____, _____, _____) (street address) (city) (state) The application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____, (city) (street address) _____, _____. Any person may file (city) (state) communications concerning said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection, unless excepted from disclosure pursuant to the Freedom of Information Act, by any person at the aforesaid office of the Supervisory Agent in accordance with the rules and regulations of the Federal Home Loan Bank Board.

_____ Savings and Loan Association _____

(2) The requirements of this paragraph (d) do not apply to any merger authorized by the Board to be instituted for supervisory reasons.

(e) Promptly after publication or mailing of the notice or notices required under paragraph (d) of this section, the merger applicants shall transmit two copies thereof to the Supervisory Agent, accompanied by two copies of either a publisher's affidavit of publication or the applicant's affidavit of mailing, depending upon the method of notification chosen.

(f) Notwithstanding any other provision of this part, the Board may, where it deems appropriate, require that the plan of merger be submitted to the voting members of either or both associations at a duly called meeting or meetings and that the plan, to become effective, be approved by them.

(g) A conservator or receiver appointed by the Board under Part 547 of this chapter may merge the Federal association in his possession with another association as provided in §§ 546.2 and 546.3 without submitting the plan of merger to the board of directors or to the members of the association for their approval.

(h) In the event that any plan of merger provides for a change of name or change of location of the home office of the resulting association, if the resulting association is a Federal association, the charter of such resulting association shall be amended accordingly. The effective date of a merger in which the resulting association is a Federal association shall be the date on which the merger is approved by the Board unless otherwise stated in such approval; where the resulting association is not a Federal association, the effective date shall be that prescribed by the law of the State under which the resulting association was created. Approval of the merger automatically cancels the Federal charter of each of the merging Federal associations as of the effective date of the merger at which time the charters of all merging Federal associations shall be surrendered to the Board for cancellation.

[No. 76-793]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

Amendments Relating To Delegation of Authority

OCTOBER 26, 1976.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble and the provisions in the amended regulations set forth below.

I. REGULATIONS PRIOR TO PRESENT AMENDMENTS

Certain authority relating to Savings and Loan Holding Companies was delegated to the Director, Holding Companies Section, Office of Examinations and Supervision.

II. AMENDED REGULATIONS

Such authority is transferred to the Director, or Deputy Director, Office of Examinations and Supervision, and technical changes are made to reflect the re-numbering of § 584.3(a)(6) as § 584.3(a)(7).

III. REASON FOR AMENDMENTS

The Regional Directors, Office of Examinations and Supervision, are performing the functions previously performed by the Holding Companies Section, Office of Examinations and Supervision. The Director, or Deputy Director, Office of Examinations and Supervision, shall make decisions regarding matters previously decided by the Director, Holding Companies Section, Office of Examinations and Supervision.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to amend Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) by adding a new section and revising certain sections relating to the authority for making certain decisions regarding savings and loan holding companies. In substance, these amendments transfer to the Director, or Deputy Director, Office of Examinations and Supervision, the responsibilities held prior to this resolution by the Director, Holding Companies Section, Office of Examinations and Supervision.

The Board also takes this opportunity to make certain technical changes to these regulations (changes of cross references to reflect the re-numbering by Board Resolution No. 75-627 (40 FR 29703-04) of § 584.3(a)(6) as § 584.3(a)(7)).

Since these amendments relate to rules of Board organization, procedure, or practice, or conform existing regulations, the Board hereby finds that notice and public procedure as to such amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) and that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date is also unnecessary.

Accordingly, the Board hereby amends Part 584 by revising §§ 584.2-1, 584.3, 584.4 584.4-1, 584.6, 584.8 and 584.9 thereof and adding new § 584.5-1 thereto, as set forth below, effective November 5, 1976.

1. Section 584.2-1(c)(1) is revised to read as follows:

§ 584.2–1 Services and activities of multiple savings and loan holding companies.

* * * * *

(c) *Procedures for commencing services or activities.* (1) Before a multiple savings and loan holding company or a subsidiary thereof may commence performing or engaging in a service or activity prescribed by paragraph (b) of this section, either de novo or by an acquisition of a going concern, it shall file a notice of intent to do so in a form prescribed by the Corporation. The original and one copy of such notice shall be filed with the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and two copies of such notice shall be sent to the Supervisory Agent. The activity or service may be commenced unless before the close of the calendar-day period stipulated in the next sentence, the Corporation finds that the service or activity proposed, would not be, in the circumstances, a proper incident to the operations of insured institutions or would be detrimental to the interests of savings account holders therein. The period shall be 30 calendar days after the date of receipt of such notice, in the case of a de novo entry, and 60 calendar days after the date of receipt of such notice, in the case of an acquisition of a going concern. The Director, or Deputy Director, may extend the appropriate calendar-dav period for a period not to exceed 15 calendar days on the basis of the circumstances in a particular case. The Director, Deputy Director, or Supervisory Agent may request additional information from such holding company or subsidiary after receipt of notice, but the Corporation need not consider additional information forthcoming from the holding company or subsidiary as a result of such a request which is received bv the Director or Deputy Director less than 10 calendar days before the end of the original or extended calendar-day period. The Director or Deputy Director may permit such holding company or subsidiary to commence the activity at an earlier date on the basis of the circumstances in a particular case.

* * * * *

§ 584.3 [Amended]

2. Section 584.3(a)(4) is amended by changing the reference therein to "paragraph (a)(6)(i)" to read "paragraph (a)(7)(i)."

3. Section 584.3(b) is amended by changing the reference therein to "subparagraph 6" to read "subparagraph 7."

4. Section 584.3(c) is amended by changing the reference therein to "subparagraph 6" to read "subparagraph 7."

5. Section 584.3(d) is amended by changing the reference therein to "paragraph (a)(6)(ii)" to read "paragraph (a)(7)(ii)."

6. Section 584.3(e) is amended by changing the reference therein to "subparagraphs (4) and (6)" to read subparagraphs (4) and (7)."

7. Section 584.3(f)(1) is revised to read as follows:

* * * * *

(f) *Filing of Applications.* (1) Applications for Corporation approval under paragraphs (a)(4) and (a)(7) of this section shall be in the form prescribed by the Corporation in § 584.10(c). Such applications shall be filed with the Corporation by transmitting the number of copies prescribed in the General Instructions of the forms to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the principal office of the applicant is located.

* * * * *

8. Section 584.3(g) is amended by changing the reference therein to "paragraph (a)(6)(ii)" to read "paragraph (a)(7)(ii)" and by changing the reference therein to "subparagraph (6)" to read "subparagraph (7)."

9. Sections 584.4(f), 584.4(g), 584.4–1, 584.6(d), 584.8(a) and 584.9(d) are revised and new § 584.5–1 is added, to read as follows:

§ 584.4 Acquisitions.

(f) *Filing of applications.* Applications under this section shall be filed in the form prescribed by the Corporation in paragraph (d) of § 584.10 and filed with the Corporation by transmitting the number of copies prescribed in the General Instructions of the forms to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the insured institutions involved in the acquisition have their home offices.

(g) *Procedure on applications.* Upon receipt of an application filed pursuant to this section, other than in an acquisition instituted for supervisory reasons, the Corporation will publish in the FEDERAL REGISTER a notice of such receipt, stating the names and addresses of the applicant and the institution or other company involved, indicating the nature of the proposed acquisition and allowing 30 days (or a shorter period in exceptional circumstances) for the submission of written comments or views. Such comments or views shall be submitted to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552. Notice of receipt of any such application will also be given to the appropriate State supervisory authority by the Corporation.

§ 584.4–1 Information filing required prior to excepted acquisition.

Any company, other than a savings and loan holding company, which proposes to acquire an insured institution without the prior written approval of the Corporation pursuant to paragraph (b)(2) of § 584.4 may do so only upon a showing as provided in this section that the acquisition falls within the exception to such prior written approval contained in that paragraph. This showing shall be made by satisfactory filing of information on a form prescribed by the Corporation. One original and one copy of all filings under this section shall be made with the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and concurrently two copies of all such filings shall be sent to the Supervisory Agent. The acquisition may be effected without the prior written approval of the Corporation pursuant to said exception, unless within 60 days after receipt by the Director or Deputy Director of the initial filing the Corporation issues a ruling that the company has not shown that the acquisition falls within said exception. The Director, Deputy Director, or Supervisory Agent may request additional information from the company after receipt of the initial filing, but the Corporation need not consider additional information received by the Director or Deputy Director more than 45 days after the initial filing.

§ 584.5–1 Relief from outstanding prohibitions on payment of dividends.

The Director, Office of Examinations and Supervision, is authorized to approve applications for relief from outstanding prohibitions on payment of dividends by insured subsidiary institutions, if such prohibition was based on a failure of such institution to maintain the ratio of net worth to savings capital plus borrowings specifically required in connection with approval by the Corporation of the acquisition of such institution by a savings and loan holding company: *Provided*, That the applicant holding company in each case stipulates to the Corporation that (a) It will cause the net worth of its insured subsidiaries to be maintained at a level required of institutions which have been insured by the Corporation for twenty years or longer by § 563.13(b) of this chapter; and (b) whenever necessary, it will infuse sufficient additional equity capital into such an insured subsidiary to effect compliance with said Regulation.

§ 584.6 Holding company indebtedness.

* * * * *

(d) *Filing of applications.* Applications for prior written approval of the Corporation for issuance, sale, renewal, or guarantee of any debt security, or assumption of any debt, shall be filed with the Corporation in the form prescribed in paragraph (e) of § 584.10 and in the numbers prescribed in the General Instructions of the form. Applications shall be addressed to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the principal office of a subsidiary insured institution is located.

* * * * *

§ 584.8 Claim of diversified savings and loan holding company status.

(a) *Claim of diversified status.* Any savings and loan holding company de-

siring to claim status as a diversified savings and loan holding company shall file with the Corporation a statement asserting such claim, supported by completed schedules in the form set forth below. Such claim shall be filed with the Corporation by transmitting the original and one copy of such statement together with the supporting schedules, to the Director or Deputy Director, Office of Examination and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy thereof to the Supervisory Agent.

* * * * *

§ 584.9 Prohibited acts.

* * * * *

(d) *Applications for approval.* Applications for Corporation approval required by this section shall contain a full statement of the reasons in support thereof. Such applications shall be filed with the Corporation by transmitting the original and one copy to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy to the Supervisory Agent.

(Sec. 402, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-32642 Filed 11-4-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 76C-0408]

PART 8—COLOR ADDITIVES

Listing of Ultramarines for Use in Externally Applied Drugs and Cosmetics

The Food and Drug Administration is "permanently" listing ultramarines for use in externally applied cosmetics, including those intended for use in the area of the eye; effective December 6, 1976; objections by December 6, 1976.

A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0075) for the "permanent" listing of ultramarines blue, green, pink, red, and violet as color additives for use in externally applied cosmetics, including those for use in the area of the eye, had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc., (1133 15th St. NW., Washington, DC 20005), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner has evaluated the data in the petition and concludes that the ultramarines are safe under the conditions set forth below for use in coloring externally applied cosmetics, including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health. This order "permanently" lists the ultramarines for use in externally applied cosmetics, including those intended for use in the area of the eye, under new § 8.8007 (21 CFR 8.8007). The provisional listing of ultramarines blue, green, pink, red, and violet for use in cosmetics under § 8.501(g) (21 CFR 8.501 (g)), which was extended to December 31, 1976 by regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856), will be deleted when this order becomes effective on December 6, 1976, unless this order is stayed by the timely filing of objections, in which case the provisional listing will continue until December 31, 1976 unless terminated or extended by regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 is amended as follows:

§ 8.501 [Amended]

1. In paragraph (g) of § 8.501 Provisional lists of color additives the entries for ultramarine blue, ultramarine green, ultramarine pink, ultramarine red, and ultramarine violet for use in cosmetics are deleted.

2. By adding to Subpart H new § 8.8007 to read as follows.

§ 8.8007 Ultramarines.

(a) *Identity.* The color additives, ultramarines (blue, green, pink, red, and violet) are pigments obtained by calcining at temperatures above 700° C a mixture of kaolin, sulfur, sodium carbonate, silicious matter, sodium sulfate, and carbonaceous matter, but not necessarily all these substances, to produce a single color. The ultramarines are complex sodium aluminum sulfosilicates having a typical formula $Na(AlSiO)S$ with proportions of each element varying with each color.

(b) *Specifications.* The ultramarines shall conform to the following specifications and shall be free from impurities other than those named, to the extent that such other impurities may be avoided by good manufacturing practice.

Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.

(c) *Use and restrictions.* The ultramarine pigments may be safely used for coloring externally applied cosmetics, including cosemtics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling requirements.* The color additives and any mixtures prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any other information required by law, labeling in accordance with § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before December 6, 1976 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday thru Friday.

This regulation shall become effective December 6, 1976 except as to any provisions that may be staved by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)); Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: October 29, 1976.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.76-32318 Filed 11-4-76;8:45 am]

[Docket No. 76C-0409]

PART 8—COLOR ADDITIVES

Listing of Manganese Violet for Use In Cosmetics

The Food and Drug Administration (FDA) is "permanently" listing manganese violet for use in cosmetics generally, including those intended for use in the area of the eye; effective December 6, 1976; objections by December 6, 1976.

A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0081) for the "permanent" listing of manganese violet as a color additive for use in externally applied cosmetics, including lipsticks and those for use in the area of the eye, had been filed by the Cosmetic Toiletry and Fragrance Association, Inc. (1133 15th St. NW., Washington, D.C.

20005), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A notice published in the FEDERAL REGISTER of March 5, 1976 (41 FR 9584) amended the filing of this petition to include the additional use of manganese violet in all types of cosmetics subject to ingestion.

The Commissioner has evaluated the data in the petition and concludes that manganese violet is safe under the conditions set forth below for use in coloring cosmetics generally, including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health. This order "permanently" lists manganese violet for use in cosmetics, including those for use in the area of the eye, under new § 8.8008 (21 CFR 8.8008). The provisional listing of manganese violet for use in cosmetics under § 8.501(g) (21 CFR 8.501(g)), which was extended to December 31, 1976 by regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856) will be deleted when this order becomes effective on December 6, 1976, unless this order is stayed by the timely filing of objections, in which case the provisional listing will continue until December 31, 1976 unless terminated or extended by regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 is amended as follows:

§ 8.501 [Amended]

1. In paragraph (g) of § 8.501 Provisional lists of color additives, the entry for manganese violet for use in cosmetics is deleted.

2. By adding to Subpart H new § 8.8008 to read as follows:

§ 8.8008 Manganese violet.

(a) *Identity.* The color additive manganese violet is a violet pigment obtained by reacting phosphoric acid, ammonium dihydrogen orthophosphate, and manganese dioxide at temperatures above 450° F. The pigment is a manganese ammonium pyrophosphate complex having the approximate formula: Mn (III) $NH_4P_2O_7$.

(b) *Specifications.* Managanese violet shall conform to the following specifications and shall be free from impurities other than those named, to the extent that such other impurities may be avoided by good manufacturing practice:

Ash (at 600° C), not less than 81 percent.
Volatile matter at 135° C for 3 hours, not more than 1 percent.
Water soluble substances, not more than 6 percent.
pH of filtrate of 10 grams color additive (shaken occasionally for 2 hours with 100 milliliters of freshly boiled distilled water), not more than 4.7 and not less than 2.5.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total color, based on Mn content in "as is" sample, not less than 93 percent.

(c) *Uses and restrictions.* Manganese violet is safe for use in coloring cosmetics generally, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before December 6, 1976 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday thru Friday.

This regulation shall become effective December 6, 1976, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: October 29, 1976.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.76-32319 Filed 11-4-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

Levamisole Hydrochloride and Piperazine Dihydrochloride

The Food and Drug Administration approves a new animal drug application (92–237V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing the safe and effective use of levamisole hydrochloride and piperazine dihydrochloride soluble powder for the preparation of an oral solution to be used as an anthelmintic for the treatment of horses. The approval is effective November 5, 1976.

The Commissioner of Food and Drugs is amending § 520.1242c (21 CFR 520.-1242c) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 520 is amended in § 520.1242c by revising paragraphs (a) and (d)(2) to read as follows:

§ 520.1242c Levamisole hydrochloride-piperazine dihydrochloride.

(a) *Specifications.* (1) The drug is an aqueous solution which contains in each fluid ounce 0.36 gram of levamisole hydrochloride and piperazine dihydrochloride equivalent to 3.98 grams of piperazine base.

(2) The drug is a soluble powder which when reconstituted with water contains in each fluid ounce 0.45 gram of levamisole hydrochloride and piperazine dihydrochloride equivalent to 5.0 grams of piperazine base.

* * * * *

(d) * * *

(2) *Limitations.* Aqueous solution: administer by stomach tube or drench 1 fluid ounce per 100 pounds of body weight. Reconstituted soluble powder: administer by stomach tube 1 fluid ounce per 125 pounds of body weight. If reinfection occurs, re-treat animals at 6- to 8-week intervals. Do not treat animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This amendment shall be effective November 5, 1976.

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

Dated: October 28, 1976.

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

[FR Doc.76-32531 Filed 11-4-76;8:45 am]

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

Glyceryl Guaiacolate Injection

The Food and Drug Administration approves a new animal drug application (48-854V) filed by Burns Biotec Laboratories Division, Chromalloy Pharmaceuticals, Inc., 7711 Oakport St., Oakland, CA 94621, proposing safe and effective intravenous use of glyceryl guaiacolate injection as a muscle relaxant for horses. The approval is effective November 5, 1976.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended by redesignating the current § 522.1060 as § 522.1060a, establishing a new section heading for § 522.1060, and by adding a new § 522.1060b, to read as follows:

§ 522.1060 Glyceryl guaiacolate implantation or injectable dosage forms. [Reserved]

§ 522.1060a Glyceryl guaiacolate sterile powder.

* * * * *

§ 522.1060b Glyceryl guaiacolate injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 50 milligrams of glyceryl guaiacolate and 50 milligrams of dextrose.

(b) *Sponsor.* See No. 000845 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used intravenously as a skeletal muscle relaxant in horses.

(2) Administer rapidly at a dosage of 1 milliliter per pound of body weight.

(3) Not to be used in horses intended for food.

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

Effective date: This amendment shall be effective November 5, 1976.

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

Dated: October 28, 1976.

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

[FR Doc.76-32530 Filed 11-4-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin; Change of Sponsor

The Food and Drug Administration has received a supplemental new animal drug application (100-128V) filed by International Multifoods Corp., Eighth and Marquette, Minneapolis, MN 55402, providing for the change of sponsor from Osborn Laboratories, Inc., to International Multifoods. The new animal drug application provides for safe and effective use of a tylosin premix for manufacturing swine feeds. The supplemental application is approved, effective on November 5, 1976.

The Commissioner of Food and Drugs is amending § 558.625 (21 CFR 558.625) to reflect this approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 558.625 Tylosin is amended in paragraph (b)(39) by deleting sponsor No. 012487 and inserting in its place sponsor No. 012518.

Effective date: This amendment shall be effective November 5, 1976.

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

Dated: October 27, 1976.

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

[FR Doc.76-32140 Filed 11-4-76;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Commissions, Service Payments and Discounts

Part 201 of Chapter II, title 22 (AID Reg. 1) is amended as follows:

§ 201.65 [Amended]

In § 201.65, paragraph (n) is deleted.

Effective date: This amendment shall become effective on November 5, 1976.

Dated: October 15, 1976.

JOHN E. MURPHY,
Acting Administrator, Agency for International Development.

[FR Doc.76-32633 Filed 11-4-76;8:45 am]

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Contents of Documents Required in Making Payments

Part 201 of Chapter II, title 22 (AID Reg. 1) is amended as follows:

§ 201.72 [Amended]

(1) In § 201.72, paragraph (b)(1) is amended by adding a final sentence, reading as follows:

* * * The bill of lading shall contain the carrier's statement of charges whether or not freight is financed by AID.

(2) In § 201.72, paragraph (b)(4) is amended by revising the final sentence to read as follows:

* * * The bank shall not be required to determine whether the supplier's invoice meets the detailed requirements of § 201.52(a)(2)(i).

Effective date: This amendment shall become effective on November 5, 1976.

Date: OCTOBER 15, 1976.

JOHN E. MURPHY,
Acting Administrator, Agency for International Development.

[FR Doc.76-32634 Filed 11-4-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1179]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Pringle, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Pringle, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or

through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Secretary's Office, Borough Building, Evans Street, Pringle, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Toby Creek	Along northern corporate limits	571	(1)	175
	East of Grove St. and north of Division St.	564	(2)	(2)

[1] Corporate limit.
[2] Area flooded: Entire area within the levee.

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

Issued: October 6, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32431 Filed 11-4-76;8:45 am]

[Docket No. FI-955]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Florence, Alabama

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Florence, Alabama under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Florence, Alabama 35630.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cox Creek	Chisholm Rd	510	0	1,125
	Cloverdale Rd	488	0	375
	Jackson Rd	475	1,225	325
Cypress Creek	Cypress Cliff Ave	448	25	75
Tennessee River	Mitchell Blvd	430	275	(1)

[1] 100-yr flood boundary extends to corporate limits.

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

Issued: October 13, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32427 Filed 11-4-76;8:45 am]

[Docket No. FI-2155]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of New London, Connecticut

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of New London, Connecticut under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Municipal Building, 181 State Street, New London, Connecticut 06320.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Long Island Sound	Saltonstall St	11	150
	New London by-pass	11	1,050
	4th St	11	1,450
	State Pier Rd	11	1,250
	Hamilton St	11	1,600
	Trumbull St	11	1,700
	Converse Pl	11	200
	Montank Ave	11	150
	Niles Hill Rd	11	200
	Glenwood Ave	11	100
	Woodlawn Rd	11	100
	Greenway Rd	11	150
	Highland Ave	11	150

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

Issued: October 13, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.32428 Filed 11-4-76;8:45 am]

[Docket No. FI-1162]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Annville, Lebanon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Annville, Lebanon County, Pennsylvania under section 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 36 North Lancaster Street, Annville, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	West Main St.	394	(1)	200
	White St.	399	(1)	360
	Bachman St.	404	(1)	120
	South Spruce St.	410	280	400
	Southwestern corporate limit	415	120	620

[1] Corporate limits.

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

Issued: October 13, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32429 Filed 11-4-76;8:45 am]

[Docket No. FI-2018]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Plymouth, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Plymouth, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Tilbury Volunteer Fire Company, Routes 11 and 29, West Nanticoke, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	543	(1)	(3)
	Erie-Lackawanna R.R. (extended northwest).	542	(1)	4,500
	River Rd. Bridge	542	(1)	400
	Nanticoke Rd. Bridge	541	(1)	140
	Mill St. (extended southwest)	539	(1)	1,500
	Downstream corporate limits	537	(1)	260
Harveys Creek	Sullivan Trail	539	1,400	1,800
	Route 29 (river crossing)		180	20
	Unnamed road		(1)	(3)

[1] Outside corporate limits.
[2] 70 ft from bank to corporate limits.
[3] 200 ft from 100-yr boundary to corporate limits.

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

Issued: October 6, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32430 Filed 11-4-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 60—USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 104—INDIVIDUAL INDIAN MONEY ACCOUNTS

Protection of Per Capita Shares of Minors, Legal Incompetents and Deceased Beneficiaries

OCTOBER 26, 1976.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on Page 53593 of the FEDERAL REGISTER of November 19, 1975 (40 FR 53593), there were published proposed revisions to § 60.10 of Part 60, Subchapter G, Chapter I, and § 104.4 of Part 104, Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations.

A notice of extension of time from January 19, 1976, the original deadline date, to April 5, 1976, for interested persons to submit to the Commissioner of Indian Affairs written comments on, or suggestions or objections to, the proposed revisions relating to the per capita payment aspects of Indian judgment funds, was published on page 5129 of the FEDERAL REGISTER of February 4, 1976 (41 FR 5129).

The written comments received from interested persons and organizations generally reflect opposition to the proposed revisions and generally register objection to any restrictions on the use of minors' shares except those imposed by parents, guardians or tribal governing bodies. Given the trust nature of minors' shares and the Secretary's responsibility as mandated in subsection (b)(3) of section 3 of the Indian Judgment Funds Act of 1973, 87 Stat. 466, which direct the Secretary to preserve and protect the per capita shares of minors and other legally incompetent persons, we conclude that by formalizing the revisions to Part 60 and Part 104 the directive of the Congress will have been met.

The proposed revisions are hereby adopted. Any printing or typographical errors in the publication of the proposed revisions in 40 FR 53593 are corrected as set forth below.

Effective date. These regulations shall become effective December 6, 1976.

1. Section 60.10 of Part 60, Subchapter G, Chapter I, of Title 25 of the Code of Federal Regulations is revised to read as follows.

§ 60.10 Per capita payment aspects of plans and protection of funds accruing to minors, legal incompetents and deceased beneficiaries.

(a) The per capita shares of living competent adults shall be paid directly to

them. The shares of minors, legal incompetents and deceased individual beneficiaries, enhanced by investment earnings, shall be held in individual Indian money (IIM) accounts unless otherwise provided as set out in this section. While held in IIM accounts, said shares shall be invested pursuant to 25 U.S.C. 162a and shall be the property of the minors or legal incompetents or the estates of the deceased individual beneficiaries to whom the per capita payments were made.

(b)(1) Unless otherwise provided in paragraph (b)(2) of this section, minors' per capita shares, until the minors attain the age of 18 years, shall be retained in individually segregated IIM accounts and handled as provided in § 104.4 of this chapter. Should it be determined that the funds are to be invested pursuant to a trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained at interest in IIM accounts and paid to them upon attaining their majority.

(2) A private trust for the minors' per capita shares may be established subject to the approval of the tribal governing body and the Secretary on the following conditions:

(i) The tribal governing body specifically requests the establishment of such trust, and the trust provides for segregated amounts to each individual minor, based on his per capita share, and

(ii) The trust agreement specifically provides that the investment policy to be followed is that of preserving the trust corpus and of obtaining the highest interest rates current money markets can safely provide. The trust agreement must further provide that maturity dates of investments cannot exceed the period of the trust and that only the following types of investment shall be made: United States Treasury obligations; Federal agency obligations; repurchase/resell agreements; United States Treasury bills; Bankers' acceptance, provided the assets of the issuing bank exceed $1 billion or the issuing bank pledges full collateral; Certificates of deposit, provided the assets of the issuing bank exceed $1 billion or the issuing bank pledges full collateral; Commercial paper, provided it is rated prime-2 by Moody or A–2 by Standard and Poor or is obligation of a company with outstanding unsecured debt rated Aa by Standard and Poor.

(c) The per capita shares of legal incompetents shall be held in IIM accounts and administered pursuant to the provisions of § 104.5 of this chapter.

(d) The shares of deceased individual beneficiaries, plus all interest and investment income accruing thereto, shall be paid to their heirs and legatees upon their determination as provided in 43 CFR, Part 4, Subpart D.

(e) All per capita shares, including all interest and investment income accruing thereto, while they are held in trust under the provisions of this section, shall be exempt from Federal and State income taxes and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, as amended.

(f) All per capita shares or portions thereof, including all interest and investment income accruing thereto, which are not paid out but which remain unclaimed with the Federal Government shall be maintained separately and be enhanced by investment, and shall, unless otherwise provided in an effective plan or in enabling legislation, be subject to the provisions of the Act of September 22, 1961, 75 Stat. 584. No per capita share or portion thereof shall be transferred to the U.S. Treasury as "Monies Belonging to Individuals Whose Whereabouts are Unknown."

2. Section 104.4 of Part 104, Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations is revised to read as follows.

§ 104.4 Minors.

(a) Funds, other than a per capita share of judgment funds which exceeds $100 in total amount at the time actual payment is made, including the investment income accruing thereto, of a minor may be disbursed in such amounts deemed necessary in the best interest of the minor for the minor's support, health, education, or welfare to parents, legal guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the Secretary, or the minor directly, upon such conditions as the Secretary may prescribe. The Secretary will require modification of an approved plan whenever deemed in the best interest of the minor.

(b) A per capita share of judgment funds which exceeds $100 in total amount at the time actual payment is made, including the investment income accruing thereto, of a minor shall not be disbursed until the minor reaches 18 years of age. At that time, unless the minor is under legal disability, the minor shall be entitled to withdraw his judgment funds and accrued investment income as provided in § 104.3. If the minor is under legal disability upon reaching his majority, his judgment funds and accrued investment income thereon shall be handled pursuant to § 104.5.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-32608 Filed 11-4-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 640-4]

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLE PROCESSING POINT SOURCE CATEGORY

Revocation of Fecal Coliform Effluent Limitations

On March 21, 1974 effluent limitations guidelines, new source performance standards and new source pretreatment standards were promulgated pursuant to sections 301, 304(b), 306 and 307(c) of the Federal Water Pollution Control Act (the Act), 33 U.S.C. 1311, 1314(b), 1316 and 1317(c), for five subcategories of the Canned and Preserved Fruits and Vegetables point source category, (40 CFR Part 407, subparts A through E) (the "Phase I" regulation).

On March 11, 1976 the United States Court of Appeals for the District of Columbia Circuit rendered its decision concerning petitions for review of the Phase I regulations in "American Frozen Food Institute, et al v. Train," F. 2d, 8 E.R.C. 1993 (D.C. Cir. 1976). The Court remanded the Phase I fecal coliform best available technology economically achievable effluent limitations guidelines and new source performance standards to the Administrator for reconsideration. The Court found that the industry had not had sufficient opportunity to comment on the fecal coliform regulations and thus remanded them. However, the Agency had already reconsidered the issue of fecal coliforms. In the Phase II regulations for Fruits and Vegetables (41 FR 16272), fecal coliform standards were omitted because information did not indicate significant levels of coliforms from fecal origin in wastewaters from most fruit and vegetable processing

plants. In addition, the secondary treatment standards contained in 40 CFR Part 133 as amended by 41 FR 30786 (July 26, 1976) recommend that water quality limitations dictate disinfection requirements in order to avoid excessive use of disinfectants. Thus, the Agency is revoking fecal coliform BATEA effluent limitations and new source standards for the Apple Juice, Apple Products, Citrus Products, Frozen, Potato Products and Dehydrated Potato Products subcategories of the fruits and vegetables point source category.

This notice of revocation shall become effective on November 5, 1976.

In 40 CFR Part 407 promulgated March 21, 1974, the following sections as they apply to fecal coliform are revoked:

Subpart A—Apple Juice Subcategory

§ 407.13 [Revoked]

The limitation for fecal coliform is revoked.

§ 407.15 [Revoked]

The limitation for fecal coliform is revoked.

Subpart B—Apple Products Subcategory

§ 407.23 [Revoked]

The limitation for fecal coliform is revoked.

§ 407.25 [Revoked]

The limitation for fecal coliform is revoked.

Subpart C—Citrus Products Subcategory

§ 407.33 [Revoked]

The limitation for fecal coliform is revoked.

§ 407.35 [Revoked]

The limitation for fecal coliform is revoked.

Subpart D—Frozen Potato Products Subcategory

§ 407.43 [Revoked]

The limitation for fecal coliform is revoked.

§ 407.45 [Revoked]

The limitation for fecal coliform is revoked.

Subpart E—Dehydrated Potato Products Subcategory

§ 407.53 [Revoked]

The limitation for fecal coliform is revoked.

§ 407.55 [Revoked]

The limitation for fecal coliform is revoked.

Dated: November 1, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-32646 Filed 11-4-76;8:45 am]

[FRL 551-8]

PART 120—WATER QUALITY STANDARDS

Navigation Waters of the State of Arizona

Correction

In FR Doc. 76-17914, appearing at page 25000 in the issue for Tuesday, June 22, 1976, in the table on page 25001, the middle column, the 3rd entry should read as set forth below:

3. Colorado River from Parker Dam to Imperial Dam (mainstem)	---	0.08	0.12	5	7

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amendment B-35]

PART 101-11—RECORDS MANAGEMENT

Annual Report On Federal Advisory Committees

This regulation amends those portions of Part 101-11 that concern the annual report on Federal advisory committees.

Subpart 101-11.12, Annual Report on Federal Advisory Committees, is amended to reference new Standard Forms 248-A and 249-A (continuation forms), change the date the report is due, and update the mailing address.

The table of contents for Part 101-11 is amended as follows:

Sec.
101-11.1204 [Reserved]
101-11.4930-248-A Standard Form 248-A, Annual Report on Federal Advisory Committee (continuation sheet).
101-11.4930-249-A Standard Form 249-A, Membership List on Federal Advisory Committee (continuation sheet).

Subpart 101-11.12—Annual Report On Federal Advisory Committees

1. Section 101-11.1203 is amended as follows:

§ 101-11.1203 Reports.

* * * * *

(a) * * *

(1) Standard Form 248, Annual Report on Federal Advisory Committee, and, if applicable, Standard Form 248-A, Annual Report on Federal Advisory Committee (continuation sheet);

(2) Standard Form 249, Membership List on Federal Advisory Committee, and, if applicable, Standard Form 249-A, Membership List on Federal Advisory Committee (continuation sheet);

* * * * *

(b) *Preparation of report.* The SF 248, Annual Report on Federal Advisory Committee; SF 248-A, Annual Report on Federal Advisory Committee (continuation sheet); SF 249, Membership List on Federal Advisory Committee; and SF 249-A, Membership List on Federal Advisory Committee (continuation sheet), shall be completed by the organizational element responsible for the support of the individual committee. The SF 250 and the letter of transmittal shall be completed at the department or agency level. Information for completion of SF 250 is compiled directly from data on appropriate SF 248 and SF 249. (These forms are illustrated in §§ 101-11.4930-248 through 101-11.493C-250.)

(c) *Due date.* This report is due on or before January 15 of each calendar year. Submit the report to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NR), Attn: Committee Management Report Coordinator, Washington, DC 20408).

2. Section 101-11.1204 is reserved as follows:

§ 101-11.1204 [Reserved]

3. Section 101-11.1205 is revised as follows:

§ 101-11.1205 Inquiries.

Inquiries concerning these regulations, forms, or reporting procedures should be directed to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NR), Attn: Committee Management Report Coordinator, Washington, DC 20408).

Subpart 101-11.49—Forms and Reports

Sections 101-11.4930-248 through 101-11.4930-250 are revised to illustrate the May 1976 edition of Standard Forms 248, 249, and 250, and §§ 101-11.4930-248-A and 101-11.4930-249-A are added to illustrate new Standard Forms 248-A and 249-A as follows:

§ 101-11.4930-248 Standard Form 248, Annual Report on Federal Advisory Committee.

§ 101-11.4930-248-A Standard Form 248-A, Annual Report on Federal Advisory Committee (continuation sheet).

§ 101-11.4930-249 Standard Form 249, Membership List on Federal Advisory Committee.

§ 101-11.4390-249-A Standard Form 249-A, Membership List on Federal Advisory Committee (continuation sheet).

§ 101-11.4930-250 Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet.

NOTE.—The forms listed in §§ 101-11.4930-248 through 101-11,4930-250 are filed as part of the original document and do not appear in the FEDERAL REGISTER.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); Public Law 92-463, 5 U.S.C. App. I; and EO 11769.)

Effective date: This regulation is effective on November 5, 1976.

Dated: November 1, 1976.

JACK ECKERD,
Administrator of General Services.

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc.76-32727 Filed 11-4-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Qualified Joint Bidders; Amendment

Under the regulations 43 CFR 3302.3–2 (a) any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) during the six month bidding period which began on November 1, 1976, must have filed 45 days before that date a Statement of Production covering the prior production period. The joint bidding regulations were published on October 1, 1975, and many prospective bidders are still not familiar with their requirements. Consequently, some Statements of Production have been filed after the prescribed cutoff date. It has been determined that acceptance of these late filings will not be incompatible with the purpose of the regulations.

Accordingly, the first sentence of 43 CFR 3302.3–2(a) is hereby amended by the substitution of a comma for the period and by the addition of the following:

§ 3302.3–2 Joint bidding requirements.

(a) * * * and except that for the bidding period commencing November 1, 1976, all Statements of Production must be filed no later than November 12, 1976. * * *

* * * * *

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

NOVEMBER 3, 1976.

[FR Doc.76-32714 Filed 11-4-76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Capital Expenditures

Notice of proposed regulations to implement section 221 of Pub. L. 92–603, in the medical assistance program administered under title XIX of the Social Security Act (Medicaid), was published in the FEDERAL REGISTER of September 9, 1974 (39 FR 32562). The purpose of the proposal was to provide for the exclusion of Federal financial participation under title XIX for expenses related to capital expenditures which are found not to be consistent with Departmental regulations as set forth in 42 CFR Part 100, Subpart A (38 FR 31380, November 13, 1973). The basis for these regulations is implementation of section 221 of Pub. L. 92–603 and conformance with Departmental regulations. Section 221 provides in part, that where there is an agreement between a State and the Secretary, Federal financial participation will not be available under title XIX for costs related to unapproved capital expenditures.

Comments were received from two State agencies, two providers and two provider associations. One comment merely expressed concurrence in the proposal. Another raised questions about the procedures for implementing the Department's overall regulations for section 221; these have been referred to the responsible office and are not addressed in this regulation. Other comments and the Department's responses are:

1. A dollar amount should be specified to define when expenditures must be submitted for approval. This and other criteria are specified in the Department's regulation and are not repeated here.

2. Several comments expressed concern that the identification of costs which are to be excluded when a capital expenditure is disallowed is not clear or too limited.

The regulation identifies numerous examples of cost elements related to capital expenditures which may be affected where a capital expenditure is disapproved. The examples are not intended to be all-inclusive.

3. The proposal specifically denies certain expenses related to disapproved capital expenditures. However, the statute does not mandate these disallowances but allows the Secretary certain discretion to determine the period for which such expenses may be disallowed.

The statute does mandate specific disallowances and "other" related expenses. These regulations implement the mandate and provide examples of related expenses.

4. The regulation provides that providers' costs incurred in determining whether the State's need criteria would be met may be allowed whether or not the capital expenditure is approved (so long as a nonapproved expenditure is not made). Such costs should not be limited to "studies, surveys, etc.," but should read "reasonable costs * * * attributable to properly determining whether the proposed capital expenditure would be in compliance * * *"

The regulation does not limit costs to studies and surveys; other expenditures properly attributable to the determination may be included.

5. Applying the cost exclusions to expenses related to capital assets which are acquired by donation or transfer goes beyond the intent of the law; the regulation should speak only to expenses related to the donation or transfer which would normally be considered capital expenses.

Title XIX regulations merely conform to Public Health Service regulations which require that donated assets are subject to approval in accordance with such regulations. The language is clear in that it speaks appropriately to capital assets.

6. Some expenses would have to be incurred to meet mandatory requirements, for example, as a condition of licensure by the State or continuation of accreditation; therefore the limitations on capital expenditures should not apply.

Regardless of the reasons for which a capital expenditure may be made, if such expenditure meets the criteria specified in 42 CFR Part 100, it is subject to the provisions of those regulations.

In the final regulation, paragraph (b)(2) has been revised to clarify how the exclusion of Federal financial participation is made for facilities paid on other than a reasonable cost basis. This clarification is based upon section 1122(d)(1) which provides for the exclusion of an amount which would otherwise have been excluded if payment were made on a cost basis.

Since this provision was not included in the notice of proposed rulemaking, the Department will consider comments on it which are received on or before December 20, 1976, and will publish any necessary revisions. During the period that comments are received and considered, the provision will be in effect on an interim basis. This is necessary to enable the Department to take necessary actions on situations where decisions of non-approvability have already been made.

Comments should be addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. They will be available for public inspection in Room 5223 of the Department's offices at 330 C Street, SW., Washington, D.C. beginning approximately two weeks after publication of this regulation in the FEDERAL REGISTER on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

Section 1122 is self-executing and these regulations are merely conforming regulations which specify an effective date consistent with that contained in regulations already published as a final rule in the FEDERAL REGISTER by the Public Health Service (PHS) and codified in the Code of Federal Regulations (45 CFR Part 100).

Accordingly, the proposed regulations, as amended, are adopted.

Part 250, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 250.210 as follows:

Subpart C—Fiscal Administration

§ 250.210 Limitation on Federal participation for capital expenditures.

(a) The provisions of this section shall apply where a State has entered into an agreement with the Secretary pursuant to section 1122 of the Social Security Act.

(b) Except as provided in section 1122(d)(2) of the Act, if the Secretary deter-

mines, or reconsiders a determination and finds, in accordance with section 1122 of the Act and 42 CFR Part 100, Subpart A, that:

(1) The appropriate State planning agency designated pursuant to section 1122 has not been given timely written notice of the intention to make a capital expenditure in accordance with 42 CFR 100.106; or

(2) Such designated planning agency has, in accordance with the requirements of section 1122 and 42 CFR Part 100, Subpart A, submitted tc the Secretary its finding that such expenditure is not consistent with the applicable standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963);

Federal financial participation under title XIX of the Act is not available for any expenses which are attributable to such expenditure. Such expenses include depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditures, or the reasonable equivalent of that portion of any rental expense incurred as part of a leasing arrangement that would have been excluded had an acquisition been by purchase. In the case of a leasing arrangement any amount deposited under the terms of the lease or comparable arrangement shall be deducted in computing the return on equity capital. Expenses in connection with capital assets which are acquired by donation or transfer are also subject to the provisions of this regulation.

Where payment is made on a reasonable cost or cost-related basis, expenses related to capital expenditures not available for Federal financial participation pursuant to paragraph (b) of this section will be excluded from allowable costs in the determination of such payment. Where payment is made on a per capita, fixed fee, negotiated rate, or any other than reasonable cost or cost-related basis, expenses related to capital expenditures not available for Federal financial participation will be estimated and excluded from the payment rate to the closest extent that an amount, equivalent to the amount which would otherwise be excluded if payment were made on reasonable cost or cost-related basis, can be determined. Where a facility participates in the Medicare program, such exclusion shall be made by reducing the payment rate through the application of the percentage factor which represents the difference between the unadjusted Medicare reimbursement rate and the adjusted (excluding reimbursement for nonallowable capital-related expenses) Medicare reimbursement rate. Where a facility does not participate in the Medicare program, such exclusion shall be estimated based upon a comparative analysis of the facility's capital-related expenses as reflected in the facility's periodic financial statements. For example, a factor may be applied to the payment rate which reflects the percentage difference between the facility's capital-related expenses as recorded and the facility's capital-related expenses excluding those related to nonallowable capital expenditures.

(c) Included in determining the amount of expenses associated with a capital expenditure, regardless of the manner in which such expenditure, is recorded in the provider's records, are the costs of: studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of the plan, buildings, and equipment (including, transportation, installation and start-up expenses, in-transit insurance, etc.). Also included in such determinations are expenses directly related to capital expenditures, including expenses with respect to grading, paving, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land. Other costs related to such capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees, interest, finance, or carrying charges on bonds, notes, and other costs incurred for borrowing funds. Reasonable costs incurred by a provider for studies, surveys, etc., in order that the provider can properly determine whether the proposed capital expenditure would be in compliance with the State planning agency's need criteria shall not be excluded from Federal financial participation whether or not the capital expenditure is approved, except that such costs shall be excluded from Federal financial participation if the provider makes the proposed capital expenditure without the required approval.

(d) Upon request, any person or State, dissatisfied with a determination made under this section with respect to the availability of Federal financial participation, shall receive a reconsideration of such determination as provided in sections 1122(f) and 1116(d) of the Social Security Act as amended.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Effective date: The regulations in this section shall be effective with respect to any capital expenditure, the obligation for which is incurred after December 31, 1972, or after the effective date of an agreement executed between a State and the Secretary pursuant to section 1122 of the act, whichever is later.

(Catalog of Federal Assistance Program No. 13.714, Medical Assistance Program.)

Answers to specific questions may be obtained by calling Joseph Dougherty, 202-245-0254.

Dated: October 5, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: November 1, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-32624 Filed 11-4-76;8:45 am]

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Texas

Appendix A to Part 801 is amended as set out below to show under the heading "Dates, Times, and Places for Filing", three additional places for filing in Texas:

§ 801.202 Appendix A [amended]

* * * * *

TEXAS

County; Place for filing; Beginning date

Bee; Beeville—Agriculture Plant and Animal Inspection Service; Basement, U.S. Post Office, 111 N. St. Mary's Street; November 2, 1976.

* * * * *

Frio; Pearsall—Federal Building, 411 East Colorado Avenue; November 2, 1976.

La Salle; Cotulla—U.S. Border Patrol Station, Federal Building, North Main Street; November 2, 1976.

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

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

NOTE.—This is a republication of a document which originally appeared at 41 FR 47938, November 1, 1976.

[FR Doc.76-32137 Filed 10-29-76;10:51 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1005—INSPECTION AND COPYING OF RECORDS; RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Fees

On September 21, 1976 there was published in the FEDERAL REGISTER (41 FR 41104) a notice of proposed rulemaking setting forth an amendment to the Community Services Administration's regulations regarding the consequences of a requester's failing to pay fees due under this part. Interested parties were given until October 21, 1976 to comment on this proposal.

No comments have been received; therefore this proposed amendment is hereby adopted without change as set forth below.

(5 U.S.C. 552.)

Effective date: November 5, 1976.

HAZEL R. ROLLINS,
General Counsel.

Section 1005.8 is amended by adding at the end of paragraph (b) a new subparagraph:

§ 1005.8 Fees.

* * * * *

(b) * * *

(3) Fees are payable upon receipt of records requested; if a request is partially denied, fees for the portion of the request which is granted are due upon receipt of the records which are released. If a requester fails to pay fees which are

due, CSA may notify him that no further action will be taken on his request, any related request, or any appeal concerning his request until he pays fees due for documents already received.

[FR Doc.76-32630 Filed 11-4-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Public Inspection of Rulings, Determination Letters, and Technical Advice Memorandums

PREAMBLE

This document contains amendments to the Statement of Procedural Rules (26 CFR Part 601). The amendments relate to the procedures to be followed when a person submits a request for a ruling, determination letter, or when technical advice is requested with respect to that person's return in order to facilitate the implementation of section 6110 of the Internal Revenue Code of 1954 which was added by section 1201(a) of the Tax Reform Act of 1976, 90 Stat. 1660. These rules are applicable to requests for rulings and determination letters postmarked or hand delivered to the Internal Revenue Service after October 31, 1976, and requests for technical advice made by the district director after October 31, 1976, other than requests for determinations to which section 6104 applies.

The amendments set forth the procedures which must be followed when requests are made for rulings, determination letters, or technical advice in order to facilitate compliance by the Internal Revenue Service with the requirements of the new section 6110. The amendments require the person requesting a ruling, determination letter, or about whose return technical advice is sought to make proposals concerning the deletions which new section 6110(c) requires the Internal Revenue Service to make in the text of the documents open to public inspection. Deletions in background file documents proposed by the person requesting a ruling, determination letter, or about whose return technical advice is sought, will not be made nor discussed until requests for inspection thereof are received by the Internal Revenue Service.

The amendments also provide that the person requesting a ruling or determination letter must sign, under penalties of perjury, a declaration that the facts in the request are accurate and complete.

In order to permit the Internal Revenue Service to conform to the requirements of new section 6110 of the Internal Revenue Code, the following amendments to the Statement of Procedural Rules (26 CFR Part 601) are hereby adopted:

PARAGRAPH 1. Paragraph (b)(5) of § 601.105 is amended by redesignating subdivisions (iii) (*e*), (*f*), (*g*), and (*h*) as subdivisions (iii) (*g*), (*h*), (*j*), and (*k*); by revising redesignated subdivision (iii) (*j*) and subdivisions (vi) (*a*), (*c*), (*e*), and (vii) (*b*); and by adding new subdivisions (iii) (*e*), (*f*), (*i*), and (vi) (*f*). The added and revised provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(b) *Examination of returns.* * * *

(5) *Technical advice from the National Office* * * *

(iii) *Requesting technical advice* * * *

(*e*) (*1*) In the case of requests for technical advice the taxpayer must also submit, within the 10-day period referred to in (*c*) and (*d*) of this subdivision, whichever applicable (relating to agreement by the taxpayer with the statement of facts submitted in connection with the request for technical advice), the statement described in (*f*) of this subdivision of proposed deletions pursuant to section 6110(c) of the Code. If the statement is not submitted, the taxpayer will be informed by the district director that such a statement is required. If the district director does not receive the statement within 10 days after the taxpayer has been informed of the need for such statement, the district director may decline to submit the request for technical advice. If the district director decides to request technical advice in a case where the taxpayer has not submitted the statement of proposed deletions, the National Office will make those deletions which in the judgment of the Commissioner are required by section 6110(c) of the Code.

(2) The requirements included in § 601.105(b)(5) with respect to submissions of statements and other material with respect to proposed deletions to be made from technical advice memoranda before public inspection is permitted to take place do not apply to requests made by the district director before November 1, 1976, or requests for any document to which section 6104 of the Code applies.

(*f*) In order to assist the Internal Revenue Service in making the deletions, required by section 6110(c) of the Code, from the text of technical advice memoranda which are open to public inspection pursuant to section 6110(a) of the Code, there must accompany requests for such technical advice either a statement of the deletions proposed by the taxpayer and the statutory basis for each proposed deletion, or a statement that no information other than names, addresses, and taxpayer identifying numbers need be deleted. Such statements shall be made in a separate document. The statement of proposed deletions shall be accompanied by a copy of all statements of facts and supporting documents which are submitted to the National Office pursuant to (*c*) or (*d*) of this subdivision, on which shall be indicated, by the use of brackets, the material which the taxpayer indicates should be deleted pursuant to section 6110(c) of the Code. The statement of proposed deletions shall indicate the statutory basis, under section 6110(c) of the Code, for each proposed deletion. The statement of proposed deletions shall not appear or be referred to anywhere in the request for technical advice. If the taxpayer decides to request additional deletions pursuant to section 6110(c) of the Code prior to the time the National Office replies to the request for technical advice, additional statements may be submitted.

* * * * *

(i) Generally, prior to replying to the request for technical advice, the National Office shall inform the taxpayer orally or in writing of the material likely to appear in the technical advice memorandum which the taxpayer proposed be deleted but which the Internal Revenue Service determined should not be deleted. If so informed, the taxpayer may submit within 10 days any further information, arguments or other material in support of the position that such material be deleted. The Internal Revenue Service will attempt, if feasible, to resolve all disagreements with respect to proposed deletions prior to the time the National Office replies to the request for technical advice. However, in no event shall the taxpayer have the right to a conference with respect to resolution of any disagreements concerning material to be deleted from the text of the technical advice memorandum, but such matters may be considered at any conference otherwise scheduled with respect to the request.

(*j*) The provisions of (*a*) through (*i*) of this subdivision, relating to the referral of issues upon request of the taxpayer, advising taxpayers of the referral of issues, the submission of proposed deletions, and the granting of conferences in the National Office, are not applicable to technical advice memoranda described in section 6110(g)(5)(A) of the Code, relating to cases involving criminal or civil fraud investigations and jeopardy or termination assessments. However, in such cases the taxpayer shall be allowed to provide the statement of proposed deletions to the National Office upon the completion of all proceedings with respect to the investigations or assessments, but prior to the date on which the Commissioner mails the notice pursuant to section 6110(f)(1) of the Code of intention to disclose the technical advice memorandum.

* * * * *

(vi) *Preparation of technical advice memorandum by the National Office.* (*a*) Immediately upon receipt in the National Office, the technical employee to whom the case is assigned will analyze the file to ascertain whether it meets the requirements of subdivision (iii) of this subparagraph. If the case is not complete with respect to any requirement in subdivision (iii) (*a*) through (*d*) of this subparagraph, appropriate steps will be taken to complete the file. If any request for technical advice does not comply with the requirements of subdivision (iii) (*e*) of this subparagraph, relating to the statement of proposed deletions, the National Office will make those deletions from the technical advice memorandum

which in the judgment of the Commissioner are required by section 6110(c) of the Code.

* * * * *

(c) Replies to requests for technical advice will be addressed to the district director and will be drafted in two parts. Each part will identify the taxpayer by name, address, identification number, and year or years involved. The first part (hereafter called the "Technical Advice Memorandum") will contain (1) a recitation of the pertinent facts having a bearing on the issue; (2) a discussion of the facts, precedents, and reasoning of the National Office; and (3) the conclusions of the National Office. The conclusions will give direct answers, whenever possible, to the specific questions of the district office. The discussion of the issues will be in such detail that the district officials are apprised of the reasoning underlying the conclusion. There shall accompany the technical advice memorandum a notice pursuant to section 6110 (f)(1) of the Code of intention to disclose the technical advice memorandum (including a copy of the version proposed to be open to public inspection and notations of third party communications pursuant to section 6110 (d) of the Code) which the district director shall forward to the taxpayer at such time that the district director furnishes a copy of the technical advice memorandum to the taxpayer pursuant to (e) of this subdivision.

* * * * *

(e) It is the general practice of the Service to furnish a copy of the technical advice memorandum to the taxpayer after it has been adopted by the district director. However, in the case of technical advice memoranda described in section 6110(g)(5)(A) of the Code, relating to cases involving criminal or civil fraud investigations and jeopardy or termination assessments, a copy of the technical advice memorandum shall not be furnished the taxpayer until all proceedings with respect to the investigations or assessments are completed.

(f) After receiving the notice pursuant to section 6110(f)(1) of the Code of intention to disclose the technical advice memorandum, if the taxpayer desires to protest the disclosure of certain information in the technical advice memorandum, the taxpayer must within 20 days submit a written statement identifying those deletions not made by the Internal Revenue Service which the taxpayer believes should have been made. The taxpayer shall also submit a copy of the version of the technical advice memorandum proposed to be open to public inspection on which the taxpayer indicates, by the use of brackets, the deletions proposed by the taxpayer but which have not been made by the Internal Revenue Service. Generally the Internal Revenue Service will not consider the deletion under this subparagraph of any material which the taxpayer did not, prior to the time when the National Office sent its reply to the request for technical advice to the district director, propose be deleted. The Internal Revenue Service shall, within 20 days after receipt of the response by the taxpayer to the notice pursuant to section 610(f)(1) of the Code, mail to the taxpayer its final administrative conclusion with respect to the deletions to be made.

(vii) *Action on technical advice in district offices.* * * *

(b) The district director will furnish to the taxpayer a copy of the technical advice memorandum described in subdivision (vi)(c) of this subparagraph and the notice pursuant to section 6110 (f)(1) of the Code of intention to disclose the technical advice memorandum (including a copy of the version proposed to be open to public inspection and notations of third party communications pursuant to section 6110(d) of the Code). The preceding sentence shall not apply to technical advice memoranda involving civil fraud or criminal investigations, or jeopardy or termination assessments, as described in subdivision (*iii*)(*f*) of this subparagraph or to documents to which section 6104 of the Code applies.

* * * * *

PAR. 2. Paragraph (e) of § 601.201 is amended by redesignating subparagraphs (5) through (9) as subparagraphs (6) through (10), subparagraphs (10) through (13) as subparagraphs (12) through (15), and subparagraphs (14) and (15) as subparagraphs (18) and (19), by revising subparagraphs (1), (2), and redesignated subparagraph (9), and by adding new subparagraphs (5), (11), (16), and (17). These added and revised provisions read as follows:

§ 601.201 Rulings and determination letters.

* * * * *

(e) *Instructions to taxpayers.* (1) A request for a ruling or a determination letter is to be submitted in duplicate if (i) more than one issue is presented in the request or (ii) a closing agreement is requested with respect to the issue presented. There shall accompany the request a declaration, signed by the person or persons by whom or on whose behalf the request for a ruling or determination letter is postmarked or hand delivered to the Internal Revenue Service after October 31, 1976, in the following form: "Under penalties of perjury, I declare that I have examined this request, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of the requested ruling or determination letter are true, correct, and complete".

(2) * * * In the case of requests for rulings or determination letters, other than those to which section 6104 of the Code applies, postmarked or hand delivered to the Internal Revenue Service after October 31, 1976, there must accompany such requests a statement, described in subparagraph (5) of this paragraph, of proposed deletions pursuant to section 6110(c) of the Code. Such statement is not required if the request is to secure the consent of the Commissioner with respect to the adoption of or change in accounting or funding periods or methods pursuant to section 412, 442, 446(e), or 706 of the Code, in which case the procedures described in § 601.204 (d) will be followed.

* * * * *

(5) In order to assist the Internal Revenue Service in making the deletions, required by section 6110(c) of the Code, from the text of rulings and determination letters, which are open to public inspection pursuant to section 6110(a) of the Code, there must accompany requests for such rulings or determination letters either a statement of the deletions proposed by the person requesting the ruling or determination letter and the statutory basis for each proposed deletion, or a statement that no information other than names, addresses, and taxpayer identifying numbers need be deleted. Such statement shall be made in a separate document. The statement of proposed deletions shall be accompanied by a copy of the request for a ruling or determination letter and supporting documents, on which shall be indicated, by the use of brackets, the material which the person making such request indicates should be deleted pursuant to section 6110(c) of the Code. The statement of proposed deletions shall indicate the statutory basis, under section 6110(c) of the Code, for each proposed deletion. The statement of proposed deletions shall not appear or be referred to anywhere in the request for a ruling of determination letter. If the person making the request decides to request additional deletions pursuant to section 6110(c) of the Code prior to the time the ruling or determination letter is issued, additional statements may be submitted.

* * * * *

(9) Any request for a ruling or determination letter that does not comply with all the provisions of this paragraph will be acknowledged, and the requirements that have not been met will be pointed out. If a request for a ruling lacks essential information, the taxpayer or his representative will be advised that if the information is not forthcoming within 30 days, the request will be closed. If the information is received after the request is closed, the request will be reopened and treated as a new request as of the date of the receipt of the essential information. Priority treatment of such request will be granted only in rare cases upon the approval of the division director.

* * * * *

(11) Generally, prior to issuing the ruling or determination letter, the National Office or district director shall inform the person requesting such ruling or determination letter orally or in writing of the material likely to appear in the ruling or determination letter which such person proposed be deleted but which the Internal Revenue Service determines should not be deleted. If so informed, the person requesting the ruling or determination letter may submit within 10 days any further information, arguments or other material in support of the position that such material be

deleted. The Internal Revenue Service will attempt, if feasible, to resolve all disagreements with respect to proposed deletions prior to the issuance of the ruling or determination letter. However, in no event shall the person requesting the ruling or determination letter have the right to a conference with respect to resolution of any disagreements concerning material to be deleted from the text of the ruling or determination letter, but such matters may be considered at any conference otherwise scheduled with respect to the request.

* * * * *

(16) After receiving the notice pursuant to section 6110(f)(1) of the Code of intention to disclose the ruling or determination letter (including a copy of the version proposed to be open to public inspection and notations of third-party communications pursuant to section 6110(d) of the Code), if the person requesting the ruling or determination letter desires to protest the disclosure of certain information in the ruling or determination letter, such person must within 20 days submit a written statement identifying those deletions not made by the Internal Revenue Service which such person believes should have been made. Such person shall also submit a copy of the version of the ruling or determination letter proposed to be open to public inspection on which such person indicates, by the use of brackets, the deletions proposed by the taxpayer but which have not been made by the Internal Revenue Service. Generally, the Internal Revenue Service will not consider the deletion under this subparagraph of any material which the taxpayer did not, prior to the issuance of the ruling or determination letter, propose be deleted. The Internal Revenue Service shall, within 20 days after receipt of the response by the person requesting the ruling or determination letter to the notice pursuant to section 6110(f)(1) of the Code, mail to such person its final administrative conclusion with respect to the deletions to be made.

(17) After receiving the notice pursuant to section 6110(f)(1) of the Code of intention to disclose (but no later than 60 days after such notice is mailed), the person requesting a ruling or determination letter may submit a request for delay of public inspection pursuant to either section 6110(g)(3) or section 6110(g)(3) and (4) of the Code. The request for delay shall be submitted to the office to which the request for a ruling or determination letter was submitted. A request for delay shall contain the date on which it is expected that the underlying transaction will be completed. The request for delay pursuant to section 6110(g)(4) of the Code shall contain a statement from which the Commissioner may determine that good cause exists to warrant such delay.

* * * * *

PAR. 3. Section 601.204 is amended by adding a new paragraph (d). This added provision reads as follows:

§ 601.204 Changes in accounting periods and in methods of accounting.

* * * * *

(d) *Instructions to taxpayers.* The person seeking to secure the consent of the Commissioner with respect to a change of accounting periods or methods pursuant to section 442 or 446(e) of the Code need not submit the statement of proposed deletions described in § 601.201(e)(5) at the time the request is made. If, however, the person seeking such consent is informed by the National Office that the resulting ruling will be open to public inspection pursuant to section 6110 of the Code, the statement of proposed deletions must be submitted within 20 days after such person has been so informed.

PAR. 4. Section 601.701(b)(2) is amended by revising subdivision (vi), by redesignating subdivision (vi) as subdivision (vii), and by adding a new subdivision (vi). These added and amended provisions read as follows:

§ 601.701 Publicity of information.

* * * * *

(b) *Exemptions*—(1) *In general.* * * *

(2) *Matters specifically exempted from disclosure by statute.* * * *

(v) Section 6108, relating to the publication of statistics of income;

(vi) Section 6110, relating to public inspection of written determinations; and

(vii) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons.

* * * * *

PAR. 5. Section 601.702 is amended by adding a sentence immediately after the fifth sentence in the flush material of paragraph (b)(1), by adding a new subparagraph (11) to paragraph (d), by redesignating subparagraphs (6) and (7) of paragraph (f) as subparagraph (6) to paragraph (f). These added and revised provisions read as follows:

§ 601.702 Publication and public inspection.

* * * * *

(b) *Public inspection and copying*—(1) *In general.* * * * Rulings, determination letters, and technical advice memorandums are open to public inspection and copying pursuant to section 6110 of the Code and not pursuant to 5 U.S.C. 552. * * *

* * * * *

(d) *Rules for disclosure of certain specified matters.* * * *

(11) *Public inspection of written determinations.* Certain rulings, determination letters, and technical advice memorandums are open to public inspection pursuant to section 6110 of the Code.

* * * * *

(f) *Fees for services.* * * *

* * * * *

(6) *Search and deletion services with respect to records open to public inspection pursuant to section 6110 of the Code.* Fees charged for searching for and making deletions in records open to public inspection pursuant to section 6110 of the Code only upon written request shall be at actual cost, as the Commissioner may from time to time establish.

* * * * *

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-32791 Filed 11-3-76;4:26 pm]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Diving Operations

Pursuant to section 6(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1596, 29 U.S.C. 655), Secretary of Labor's Order No. 8-76 (41 FR 25059), and Title 29, Code of Federal Regulations (CFR) Part 1911, the Emergency Temporary Standard (ETS) for diving operations (41 FR 24272, June 15, 1976) appearing as Subpart T of 29 CFR Part 1910 is hereby withdrawn. This action is taken simultaneously with the publication of a notice of proposed rulemaking and notice of hearing for a permanent standard on commerical diving operations which appear this date in the FEDERAL REGISTER (41 FR 48949).

The ETS was to have become effective July 15, 1976, and to be superseded by a permanent standard within six months from the date of publication. However, the United States Court of Appeals for the Fifth Circuit issued an order staying enforcement of the ETS, *"Taylor Diving and Salvage Co., Inc., et al. v U.S. Department of Labor, et al.,"* (C.A. 5, No. 76-2886). The stay was thereafter extended indefinitely pending a final decision on the merits of the ETS which has not been issued as of this time. Consequently, the ETS has not been enforced by the Occupational Safety and Health Administration (OSHA).

The ETS was based on a finding that employees in the diving industry were exposed to grave dangers and that the standard was necessary to protect employees from such danger. However, it appears unlikely that the objective of the ETS can be accomplished since the ETS could be enforced at most for a short period, even if the stay were dissolved in the near future.

A second purpose of the ETS was to serve as a proposal for a permanent occupational safety and health standard under 29 U.S.C. 655(b). The rulemaking proceeding initiated by the ETS is well advanced as indicated by the publication on this date of the proposed permanent standard and a notice of a rulemaking hearing scheduled to begin on December 16, 1976. The proposed standard supersedes the ETS as the agency's proposal for a permanent standard. OSHA intends to promulgate the permanent standard as soon as possible after the conclusion of the rulemaking hearing in

order to afford prompt protection to employees in the diving industry.

Accordingly, the Assistant Secretary has concluded that continuation of the ETS in its present status would not serve the purposes of the Act or be otherwise in the public interest, and that its withdrawal at this time would therefore be appropriate. This action will permit OSHA, as well as the public, to devote full resources and attention towards promulgation of the permanent standard which will ensue from the current proceedings.

Subpart T—[Deleted]

1. In Part 1910 of 29 CFR, Subpart T is hereby deleted.

(Sec. 6(c); 84 Stat. 1596 (29 U.S.C. 655); Secretary of Labor's Order 8–76 (41 FR 25059); (29 CFR Part 1911).)

Signed at Washington, D.C. this 3rd day of November, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–32799 Filed 11–4–76;9:27 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY PRODUCTS INSPECTION, DEPARTMENT OF AGRICULTURE

Subchapter A—Mandatory Meat Inspection

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Mechanically Deboned and Low Temperature Rendered Meats

• *Purpose.* The purpose of this document is to revoke the interim regulation in § 319.3 of the Federal meat inspection regulations (9 CFR 319.3) concerning mechanically deboned meats and low temperature rendered meats. •

In a memorandum and order issued by Federal District Court Judge Bryant on September 10, 1976, in a preliminary injunction proceeding with respect to the interim regulation (9 CFR 319.3; 41 F.R. 17535) concerning mechanically deboned meats and low temperature rendered meats, Judge Bryant held that the interim regulation was invalid. As a result of the memorandum and order, this Department issued an instruction to USDA meat inspectors advising them to no longer place the mark of Federal meat inspection on mechanically deboned meats or on meat food products produced from such unmarked mechanically deboned meats. The action taken by the Department has led to a cessation of the use of mechanically deboned meats in meat food products.

With respect to low temperature rendered meats, as defined in the interim regulation, no such meats have been produced or used in meat food products. On October 6, 1976, the Department issued an instruction to USDA meat inspectors advising them not to place the mark of Federal meat inspection on any such low temperature rendered meat or on meat food products that may be produced from such low temperature rendered meats.

On April 27, 1976, the Department published (41 FR 17560) proposed regulations which included provisions with respect to mechanically deboned meats and low temperature rendered meats. The comment period concerning such proposed regulations has expired, and the Department is presently considering what action to take with respect to the promulgation of a final regulation.

Under the circumstances, it does not appear that any useful purpose would be served by continuing the interim regulation.

§ 319.3 [Revoked]

Accordingly, § 319.3 of the Federal meat inspection regulations (9 CFR 319.3) is hereby revoked.

(Sec. 21; 34 Stat. 1264, as amended (21 U.S.C. 621), 37 FR 28464, 28477.)

In view of the aforesaid circumstances, it does not appear that public participation with respect to this action would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

This amendment shall become effective on November 5, 1976.

Done at Washington, D.C., on: November 4, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76–32826 Filed 11–4–76;10:37 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION PLANT

Guidelines and Requirements for the Adequate Grounding of Primary Distribution Lines

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Bulletin 83–1, "Guidelines and Requirements for Adequate Grounding of Primary Distribution Lines," to provide for the issuance of revised requirements and drawings for grounding of primary line for electric distribution plant.

Persons interested in the revised requirements and drawings may submit written data, views, or comments to the Director, Power Supply and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than on or before December 6, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of this REA Bulletin, designated as REA 83–1, may be secured in person or by written request from the Director, Power Supply and Engineering Standards Division.

A summary of the proposed drawing changes is as follows:

PROPOSED CHANGES IN REA PRIMARY LINE GROUNDING DRAWINGS

Modifications or revisions on the drawings include:

1. Conversion of drawing dimensions from customary units to metric units.

2. Specifying that solid wire be used for the pole top extension wire on system grounding and pole protection assemblies.

3. Specifying that stranded wire be used for the jumper wire on system grounding assemblies.

4. Specifying that item cj, ground wire, be used for the jumper wire on pole protection assemblies.

5. Specifying that connectors, item P, be the compression type.

6. Specifying that copperweld staples be used with copper ground wire.

7. Reference to the arcing horn assemblies VM10–14 and VM10–15 for pole top protection on grounding and pole protection assemblies VM2–11, and VM2–12, 12A and 12A2.

8. Separating the M2–2A, 12A and M2–2A2, 12A2 pole protection assemblies into two individual drawings.

9. The use of copper wire on the Wrap-Around Type pole protection assembly M2–2A, 12A.

10. The use of an insulated copper lead with the galvanized steel butt plate on the Plate Type pole protection assembly M2–2A2, 12A2.

11. Separating the VM2–12A and VM2–12A2 pole protection assemblies into two individual drawings.

12. The use of copper wire on the Wrap-Around Type pole protection assembly VM2–12A.

13. The use of an insulated copper lead with the galvanized steel butt plate on the Plate pole protection assembly VM2–12A2.

14. The addition of the voltage level for which the assemblies are designed.

15. Minor editorial changes.

Dated: October 28, 1976.

THOMAS R. MCDONALD,
Acting Assistant Administrator.

[FR Doc.76–32285 Filed 11–4–76;8:45 am]

[7 CFR Part 1701]

"LOAD MANAGEMENT PROGRAMS"

REA Bulletin 140–1

Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.) REA proposes REA Bulletin 140–1, "Load Management Programs."

Persons interested in the proposed bulletin may submit written data, views or comments to the Director, Power Supply and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than on or before December 6, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply and Engineering Standards Division, during regular business hours.

The text of the proposed REA Bulletin 140–1 is as follows:

[REA Bulletin 140–1]

SUBJECT: LOAD MANAGEMENT PROGRAMS

I. *Purpose.* To express REA policy and general guidelines with regard to load management programs.

II. *Definition.* For purposes of this bulletin, "load management" is defined as the application of measures to influence the use of electricity in order to reduce peak demands, improve load factor or otherwise help in utilizing resources to the best advantage consistent with sound economics and acceptable standards of service.

III. *General Policy.* A. The Rural Electrification Administration recommends that all electric borrowers implement some type of load management program.

B. It is the borrower's responsibility to determine from appropriate studies and investigations the type of load management program best suited to its particular system.

C. REA encourages all borrowers to explore any activity which might result in more efficient operation and an improved quality of service to the consumer.

D. Load control equipment is only one of the choices available to carry out an effective load management program, and the borrower should make a thorough study of its entire load management situation before committing itself to physical controls.

E. Coordination with the power supplier is essential to the development of an effective load management program for a distribution system.

F. Any request for loan funds for load control equipment must be adequately supported with evidence and data so that REA can determine that the plan is feasible from an engineering, economic, public relations, and power supplier coordination standpoint.

G. If it is economically feasible to do so, a pilot installation should be tried and evaluated before any large scale investment in, commitment to, or installation of load control equipment is undertaken.

IV. *Implementation Guidelines.* A. General: Load management can take place without the use of load controls, equipment or devices. For example, an agreement with a large industrial user to drop load during system peak is considered "load management." Another example would be voluntary consumer efforts such as irrigation scheduling. Such approaches may well be more cost effective than physical controls and should be investigated first.

B. Rates: Rates and load management will interact. There are those who advocate load management as a means of controlling the cost of services and thus, rates. At the opposite end of the spectrum, there are those who advocate rates (e.g. time-of-day pricing) as a means of managing loads. Thus, the interaction with rates should be studied as one aspect of an analysis of a system load management program.

C. Consumer Education: 1. Acceptance by consumer is one key element in the success of any load management endeavor. In the past, the electric utility has generally met the instantaneous demand of the consuming public. The industry has tried to serve any and all of its loads, as well as anticipate peak demands without placing limitations upon the consumer. The idea that the utility may now control or manage the consumer's use of certain of his appliances will, in general, be a new concept to the consumer. To gain broad general acceptance of this concept or way of life, will require considerable education of the electric energy consumers.

2. Another major benefit from effective consumer education is voluntary or incentive promoted consumer activities which enhance load management programs. Such activity not only affects today's systems, but also can influence the type and amount of loads which may be added. The consumer needs adequate information on efficiencies to make wise choices in selecting appliances. In most

parts of the country, heat pumps place less demand on the electric system and use less energy than resistance heat. Air conditioners, especially window units, may vary as much as two-to-one in efficiency and consequently, energy use and demand for a given amount of cooling. Another example of desirable consumer information is accurate information about operating costs versus capital investment in home design and insulation (see REA Bulletin 142–1, Electric Comfort Conditioning). Voluntary efforts by consumers will be much more effective if they understand the objectives. For example, they cannot be expected to reduce demand during the system peak unless they are informed when that peak occurs or when it is anticipated. Information could also be provided with the monthly bill about the economic advantages of accepting a cooler room temperature in the winter and a warmer temperature in the summer for some typical dwelling.

D. Equipment on Consumer Premises: Many load management concepts require the installation of equipment on consumer's appliances or elsewhere on the consumer's property. There are many unresolved legal questions which may be raised about ownership, liability, and control of such equipment beyond the meter. While REA is not precluded from considering loans for such equipment, the impact of these questions on processing an REA loan can be mitigated by excluding any equipment on consumers' premises from a loan application. This does not relieve the borrower of the responsibility for such things as adequate liability insurance, if the borrower elects to use other means to finance such installations.

E. Load Analysis: Before a borrower proceeds with the implementation of a load management program, the load patterns of the system should be analyzed to determine which specific loads are contributing substantially to the demand peaks. Many states may be developing State Energy Conservation Plans. It is expected that borrowers will cooperate with state agencies by developing input into such plans. Certainly, an awareness of regulatory or legislative actions on energy development or usage is a necessary part of developing a good load management program. Frequently, it is not known which type of load or combination of loads contribute most to the system peaks. In terms of cost verses benefit, it may be more beneficial to deal with one class of consumer or a few large power loads than all consumers in general. The type of data that are necessary for a proper analysis will, of course, depend somewhat on the type of load that is being analyzed. For example, if one is contemplating the control of air conditioning or heating loads, it is necessary to correlate system peak information with temperature data.

F. Guideline Prerequisites for Loan Application: Where a borrower believes it is in its best interest to implement a program of installing load control equipment and desires REA financing, the following guidelines should be followed:

1. Where more than one borrower may be involved or affected (e.g. a G&T and its member systems), the planning must be coordinated among them and the overall impact of the proposed plan must be fully evaluated and assessed.

2. A member or consumer information and education program will be necessary, as loads cannot be effectively controlled without consumer support and cooperation.

3. A comprehensive engineering study, including a benefit/cost analysis, must be conducted.

G. Report in Support of Loan Application: The above will serve as a general basis for a report in support of a loan application for load control equipment. Examples of specific data and information which should be included in such a report are:

1. A description of the present load profile.
2. A description of the loads to be controlled.
3. The anticipated system load profile after installation of the load control equipment.
4. A description of the equipment to be financed.
5. Wholesale power cost savings which will result from reduction in peak demand.
6. Deferred investment in power production costs, if applicable.
7. Deferred investment in system improvements such as line capacity.
8. Impact on system line losses.
9. The cost of consumer or member information and education programs.
10. The installed cost of the equipment.
11. Replacement and O&M costs such as energy costs, service calls, inventory costs, etc.
12. Increase metering and billing costs.
13. Loss of revenue, if applicable.
14. Any other costs or benefits which can be quantified.

Intangible costs and benefits should be identified even though it may not be possible to assign a dollar value to them. Every effort should be made to avoid oversimplified or misleading economic evaluations. For example, if wholesale power bill savings are a justification for load controls and the result is a significant reduction in revenue for the power supplier, then some consideration must be given to the possibility that the wholesale rate may increase. Also, capital (generation) savings from load control may be less than one might expect, since some of the reduced need for peaking capacity may have to be replaced by the need for increased base load capacity to meet the higher system load factor characteristics.

V. *Summary*. It is Rural Electrification Administration policy that all electric borrowers should implement an effective load management program after proper study and analysis of various methods or types. This should include provisions for coordination with power suppliers, as well as a comprehensive consumer education program.

There are many different concepts and definitions of load management. Whichever definition is used, the end result of load management should be conservation. The concept of conservation should include the efficient use of fuels, capital and materials required to meet power demands.

Beneficiaries of sound conservation programs include the consumer as a customer and as a citizen doing his part in making the most efficient use of the nation's resources. Such programs can also benefit borrowers through more efficient operation and improved quality of the service they provide. Load management, however, is only part of the challenge relating to energy supply and demand which may call for considerable change in priorities for everyone. The challenge is to strive for constructive change through carefully thought-out programs that will provide the best possible alternatives from the standpoints of the consumer, the power supplier and the national interest.

Dated: October 26, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.76–32436 Filed 11–4–76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76–37]

REGULATORY INFORMATION SYSTEM (RIS) DATA BASES

General Policy Statement on Access Extension of Time for Comments

Statement of general policy concerning access to the Regulatory Information System (RIS) Data Bases, Standard Reports on Microfilm or Data on Magnetic Tape By Other Than FPC Personnel.

OCTOBER 29, 1976.

On September 3, 1976, the Commission issued a notice of proposed rulemaking in Docket No. RM76–37, (published September 14, 1976, 41 FR 39046), calling for comments in writing by November 2, 1976. Several motions for extensions of time within which to file comments in the above-designated proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-designated rulemaking proceeding is extended to and including December 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–32572 Filed 11–4–76;8:45 am]

[18 CFR Parts 141, 260]

[Docket Nos. RM76–26, RM76–33—RM 76–34]

GAS SUPPLY AND OPERATIONS DATA AND CORPORATE AND FINANCIAL REPORTS

New Forms; Further Extension on Comment Time

OCTOBER 29, 1976.

Gas Supply and Operations Data—New Form 153, Docket No. RM76–27; Corporate and Financial Reports for Class A and B Natural Gas Companies—New Forms 154A and 154B, Docket No. RM76–33; Corporate and Financial Reports for Class A and B Electric Utilities and Licensees—New Forms 162A and 162M, Docket No. RM76-34.

Notices of proposed rulemakings have been issued by the Commission in the following dockets: Docket No. RM76–27 (published August 10, 1976, 41 FR 33642); Docket No. RM76-33 (published September 8, 1976, 41 FR 37882); and Docket No. RM76–34 (published September 15, 1976, 41 FR 39948). By notices issued October 22, 1976, the comment period for the above-designated rulemaking proceedings was extended to and including November 2, 1976, pending further action by the Commission.

Notice is hereby given that the time for filing comments on the above-styled rulemakings is further extended to and including December 30, 1976.

In response to comments received to date regarding parallel reporting and

magnetic tape submission, the Commission states:

1. The Federal Power Commission will collect 1976 data on existing forms as it has in prior years. As part of parallel reporting, essentially the same data will be collected on the new forms, after it has been submitted on the existing forms. For annual reports the data will be collected on the new forms no earlier than 60 days after the submission on the old forms. The precise schedule for monthly and event type submissions has not yet been fully determined but will occur no earlier than July 1977.

2. During the parallel reporting period, the Federal Power Commission will welcome any and all suggestions that respondents desire to submit regarding the new forms. Respondents' comments will be evaluated, together with internal comments to determine changes to be made to the forms, magnetic tape submission procedures, or other aspects of the new respondent reporting system.

3. A substantial number of the comments received to date were concerned with the time allowed for rulemaking review and new form submission. These comments centered on the requirement to submit magnetic tape and the lack of a data directory to assist them in preparing the tapes. Therefore, magnetic tape submission will be voluntary during the period of parallel reporting. Further, the FPC will conduct a pilot test of the magnetic tape submission procedure during the same parallel reporting period for those companies desiring to submit tapes.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-32573 Filed 11-4-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Parts 651, 653, 658]

SERVICES TO MIGRANT AND SEASONAL FARMWORKERS; EMPLOYMENT SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Extension of Comment Period

On October 5, 1976, at 41 FR 44014 the Department of Labor published proposed regulations for 20 CFR Parts 651, 653 and 658 on services to Migrant and Seasonal Farmworkers, the Employment Service Complaint System, and the monitoring and enforcement responsibilities of the employment service system. Comments on the proposal were invited for thirty days until November 5, 1976.

Since that time the Migrant Legal Action Program, (MLAP) Inc. has written to the Department asking for an extension of the comment period. MLAP believes it will not be able to submit its comments within the thirty day period. Other potential commentators are perhaps in the same position. Therefore, in order to afford all potential commentators ample time to comment, the Department is extending the comment period until December 6, 1976.

Signed at Washington, D.C., this 2d day of November 1976.

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

[FR Doc.76-32648 Filed 11-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 601]

STATEMENT OF PROCEDURAL RULES

Withdrawal of Proposed Amendments; Public Inspection of Certain Rulings and Determination Letters

The purpose of this document is to withdraw proposed amendments to the Statement of Procedural Rules (26 CFR Part 601), published December 10, 1974 (39 FR 43087), relating to public inspection of certain rulings and determination letters. The amendments to the Statement of Procedural Rules (26 CFR Part 601) was proposed to provide rules pursuant to which the Internal Revenue Service would make available for public inspection certain rulings and determination letters.

Since these amendments were proposed, Congress passed the Tax Reform Act of 1976 (Pub. L. 94-455). Section 1201(a) of the Act adds section 6110 to the Internal Revenue Code of 1954 to provide statutory rules for public inspection of certain written determination and background file documents.

As a result of section 6110 the proposed amendments to the Statement of Procedural Rules are unnecessary. However, published today at _____, the Internal Revenue Service is adopting new amendments to the Statement of Procedural Rules to inform persons requesting a ruling letter or participating in a technical advice request of additional information to the supplied to the Internal Revenue Service as a result of section 6110.

In view of the foregoing, the proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) published in the FEDERAL REGISTER (39 FR 43087) is hereby withdrawn.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-32751 Filed 11-3-76;4:26 pm]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

PROPOSED STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Opportunity To Comment on New Information

The Occupational Safety and Health Administration has recently received information which may be of relevance in its proceeding to develop a new standard for occupational exposure to inorganic arsenic. The information consists of:

1. An article by Shinkan Tukudome and Massanori Kuratsune entitled "A Cohort Study on Mortality from Cancer and Other Causes among Workers at a Metal Refinery," Int. J. Cancer 17:310 (1976). The article reports an increase in respiratory cancer among employees of a copper smelter exposed to arsenic.

2. A document by Arthur Young & Co., entitled "A Reply to A. D. Little's 'Critique of the Arthur Young Inflationary Impact Statement on Inorganic Arsenic'." The document principally discusses an econometric model which analyzes economic effects of certain regulatory alternatives.

3. Analyses on whether differentiation should be made between the carcinogenic risks of trivalent and pentavalent inorganic arsenic by H. F. Kraybill, PhD., Scientific Coordinator for Environmental Cancer, National Cancer Institute of Occupational Safety and Health; J. William Lloyd, Sc. D.; Edward Radford, M.D. and Marie Rhyne, M.D. The question of whether pentavalent inorganic arsenic should be regulated as an occupational carcinogen has proved to be both difficult and controversial. Therefore, OSHA believed that it would be advisable to request the analyses and recommendations of these persons based on the evidence existing in the inorganic arsenic record.

These materials are available for public inspection and copying from the Docket Officer, Docket No. OSH-37, Technical Data Center, Room N3620, New Department of Labor Building, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202-523-8076). In addition, copies will be mailed upon telephone request at the usual copying charge.

Comments are invited which relate only to the above materials. Such comments must be postmarked on or before December 9, 1976 and submitted in quadruplicate to the Docket Officer, Docket No. OSH-37 at the above address. The materials listed and the comments received will be made part of the inorganic arsenic record.

Briefs and analyses based on the evidence introduced at the September 8, 1976 hearing on the economic and technological feasibility of inorganic arsenic regulatory alternatives and new evidence were due November 2, 1976. That date is not being extended and comments pursuant to this notice must be limited to the materials listed in this notice.

(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 24059, June 22, 1976).)

Signed at Washington, D.C., this 2d day of November 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-43649 Filed 11-4-76;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 204]

DANGER ZONE REGULATIONS, PACIFIC OCEAN, CALIFORNIA

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to amend 33 CFR 204.203 which establishes a danger zone in the Pacific Ocean at San Miguel Island, California. We propose to amend only paragraph (c)(9) to extend the period of use to 1 July 1978.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suugestions or objections thereto which are submitted in writing to the Office of Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before 5 December 1976.

§ 204.203 **Pacific Ocean at San Miguel Island, Calif., naval danger zone.**

* * * * *

(c) *The Regulations.* * * *

(9) The regulation in this section shall be in effect until 1 July 1978 and shall be reviewed in May 1978 to determine the continuing need.

By authority of the Secretary of the Army.

Dated: November 1, 1976.

Approved:

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

R. S. SEEBERG,
LTC, U.S. Army, Acting Director, Admin Mgt Directorate, TA GCEN.

[FR Doc.76-32527 Filed 11-4-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Increased Disability Compensation and Dependency and Indemnity Compensation

The Administrator of Veterans Affairs proposes regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 94-433 (90 Stat. 1374).

Pub. L. 94-433, enacted September 30, 1976, and effective October 1, 1976, amends various sections of Title 38, United States Code, to increase disability compensation rates and dependency and indemnity compensation rates for widows, widowers and children. This law also increases the clothing allowance authorized by 38 U.S.C. 362 from $175 to $190.

To implement these rate increases the following changes are proposed. Sections 3.5, 3.350, 3.552 and 3.810 of Title 38, Code of Federal Regulations are amended to either reflect the new rates or to substitute the statutory citation where the rate is set forth in place of the monetary amount. The rates in Title 38, United States Code, are controlling and these rates are published in Appendix B of the Department of Veterans Benefits Manual M21-1. Section 3.21 is being added to show that the publication of monetary rates in M21-1 has the same force and effect as if published in the regulations (Title 38, Code of Federal Regulations). Monetary rates are being kept in the regulations only in those areas where past experience has shown the need for them.

Pub. L. 94-433 substitutes "Hansen's disease" for "leprosy" in 38 U.S.C. 301. Section 3.309 of Title 38, Code of Federal Regulations is amended to reflect the change in terminology.

Pub. L. 94-433 authorizes an increased rate of compensation for a married veteran whose service-connected disablement is evaluated as 50 percent or more disabling and whose spouse is in need of aid and attendance. The amount payable is $78 monthly to a veteran in receipt of compensation at the 100 percent rate with proportionate amounts payable to veterans in receipt of compensation at the 50 through 90 percent rates. The spouse's aid and attendance allowance is payable in lieu of and not in addition to, the amount authorized for a spouse not in need of aid and attendance. To implement the spouse's aid and attendance allowance it is proposed to amend §§ 3.351, 3.401 and 3.501 of Title 38, Code of Federal Regulations.

The date of reduction or discontinuance of compensation, dependency and indemnity compensation, or pension by reason of marriage, divorce or death of a dependent of a payee is the last day of the calendar year in which the marriage, divorce or death occurred. (38 U.S.C. 3012(b)) Pub. L. 94-433 adds annulment to the list of events in section 3012(b) which permits the Veterans Administration to delay reduction of a payee's award until the end of the calendar year in which the event occurred. To implement this change to 38 U.S.C. 3012 (b) it is proposed to amend §§ 3.501 and 3.660 of Title 38, Code of Federal Regulations.

Certain seriously disabled veterans are provided an allowance toward the purchase of an automobile. Public Law 94-433 permits payment of this benefit to veterans with the requisite degree of disability who served on or after September 16, 1940. Prior to the enactment of Pub. L. 94-433 the automobile allowance was payable based on service on or after December 7, 1941. September 16, 1940 is the date of enactment of the Selective Training and Service Act of 1940. To implement this change it is proposed to amend § 3.808 of Title 38, Code of Federal Regulations.

Public Law 94-433, also provides that where a veteran dies as a result of service-connected disablement, or is in receipt of service-connected disability compensation at time of death (or would be entitled to service-connected disability compensation at time of death but for receipt of military retired pay or non-service-connected disability pension), the Veterans Administration may pay the cost of transporting the veteran's body to a national cemetery for burial. The amount payable may not exceed the cost of transporting the body from the veteran's place of death to the national cemetery nearest the veteran's last place of residence in which burial space is available. This benefit is in addition to the basic $250 burial allowance or the $800 burial allowance which is payable when the cause of death is service connected. To implement this new benefit it is proposed to amend §§ 3.1600 and 3.1606 of Title 38, Code of Federal Regulations.

Where applicable, minor editorial changes have been made in the aforementioned sections of Title 38, Code of Federal Regulations as well as in §§ 3.502, 3.503 and 3.1609 to reflect that they apply equally to male and female veterans and beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A) Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 6, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is hereby given that the amendments implementing Pub. L. 94-433 will be effective October 1, 1976, the effective date of Pub. L. 94-433. The addition of § 3.21 will be effective the date of final approval.

The economic and inflationary impacts have been evaluated in accordance with OMB Circular A-107.

Approved: November 1, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.5, paragraphs (e)(3) and (4) are revised to read as follows:

§ 3.5 **Dependency and indemnity compensation.**

* * * * *

(e) *Widow's or widower's rate.* * * *

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air,

or naval service), the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(b) for each child.

(4) If the widow or widower is determined to be in need of aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(c).

2. Section 3.21 is added to read as follows:

§ 3.21 Monetary rates.

The rates of compensation, dependency and indemnity compensation, and pension as well as the income limitations applicable to pension and parent's dependency and indemnity compensation as published in tabular form in Appendix B of Department of Veterans Benefits Manual M21-1 [1] are to be given the same force and effect as if published in the regulations (Title 38, Code of Federal Regulations).

3. In § 3.309, paragraphs (a) and (b) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947.

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis.
Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)
Cirrhosis of the liver.
Coccidioidomycosis.
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis. (This term covers all forms of valvular heart disease.)
Endocrinopathies.
Epilepsies.
Hansen's disease.
Hodgkin's disease.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system.
Osteitis deformans (Paget's disease).
Osteomalacia.
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic.
Raynaud's disease.
Sarcoidosis.
Scleroderma.
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves.
Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.).

(b) *Tropical diseases.* The following diseases may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limit under § 3.307 or § 3.308 following service in a period of war or following peacetime service.

Amebiasis.
Blackwater fever.
Cholera.
Dracontiasis.
Dysentery.
Filariasis.
Hansen's disease.
Leishmaniasis, including kala-azar.
Loiasis.
Malaria.
Onchocerciasis.
Oroya fever.
Pinta.
Plague.
Schistosomiasis.
Yaws.
Yellow fever.
Resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof.

* * * * *

4. In § 3.350, the introductory portion of paragraphs (a), (b), (c), (e) and (i) preceding subparagraph (1) and paragraphs (d), (f)(1) and (2)(i) through (iv) and (h) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye, having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $879 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $1,231 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance.

* * * * *

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance.

* * * * *

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less.

* * * * *

(f) *Intermediate or next higher rate; 38 U.S.C. 341(p)—(1) Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in

[1] Available in VA regional offices and VA centers.

place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $924.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $1,034.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $924.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $1034.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314(n).

* * * * *

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate ($1,231) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) The rate is $528. Determination of this need is subject to the criteria of § 3.352. The additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum $1,231 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

* * * * *

5. In § 3.351, the section heading, paragraph (a) and the introductory portion of paragraph (c) preceding subparagraph (1) are revised to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Spanish-American War Veterans (38 U.S.C. 512) and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows and widowers in need of regular aid and attendance is provided for widows and widowers of veteran of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II or the Korean conflict (38 U.S.C. 544). Additional compensation is provided for a married veteran receiving compensation of the 50 percent rate or greater whose spouse is in need of regular aid and attendance. (38 U.S.C. 315(1)(I)) Additional dependency and indemnity compensation and death compensation for widows and widowers and for parents in need of regular aid and attendance is provided for widows and widowers and for parents of veterans of all periods of service. (38 U.S.C. 322(b); 411(c); 415(h))

* * * * *

(c) *Aid and attendance; criteria.* The veteran, spouse, widow, widower, or parent will be considered in need of regular aid and attendance if he or she:

* * * * *

6. In § 3.401 the introductory language, paragraphs (a) and (c) are revised to read as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

(a) *Aid and attendance (§3.552).* (1) Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b)(2). (2) Date of departure from hospital, institution, or domiciliary, (3) Spouse, additional compensation for aid and attendance: Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b)(2).)

* * * * *

(c) *Divorce (Annulment) of veteran and wife (husband).* See § 3.501(d).

* * * * *

7. In § 3.501, the introductory text, paragraph (b)(3) is added and paragraphs (d) and (i)(2) are revised to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(b) *Aid and attendance.* * * *

(3) *Aid and attendance for spouse.* End of month in which award action is taken if need for aid and attendance has ceased.

* * * * *

(d) *Divorce or annulment (38 U.S.C. 3012(b)(2)).* Last day of the calendar year in which divorce or annulment occurred.

* * * * *

(i) *Hospitalization.* * * *

(2) *§ 3.551(c).* First day of third calendar month following admission if veteran without spouse or child or, though married, is receiving pension at rate provided by 38 U.S.C. 521(b).

* * * * *

8. In § 3.502, the section heading, the introductory portion preceding paragraph (a), and paragraph (c) are revised to read as follows:

§ 3.502 Widows (widowers).

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow (widower) will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(c) *Legal widow (widower) entitled.* Date of last payment on award to another woman (man) as widow (widower). See § 3.657.

* * * * *

9. In § 3.503, the introductory portion preceding paragraph (a) and paragraphs (b) and (i) are revised to read as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow (widower) on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(b) *Enters service (§§ 3.450(b), 3.458(e)).* Date of last payment of apportioned disability benefits for child not in custody of estranged spouse. Full rate payable to veteran. No change where payments are being made for the child to the veteran, his (her) estranged spouse, his widow (her widower), or to the fiduciary of a child not in the widow's (widower's) custody.

* * * * *

(i) *Widow (widower) becomes entitled.* Date of last payment. See § 3.657.

* * * * *

10. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (1), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $1,231 because of entitlement to another rate under section 314(1) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314 (1) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $968 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314 (m), $1,099.

(3) If entitlement is under section 314 (n), $1,231 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314 (p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314 (m) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314 (1).

* * * * *

11. In § 3.660, paragraph (a)(2) is revised to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance.* * * *

(2) *Contingency.* Where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth or because dependency of a parent ceased or because dependency ceased due to the dependent's marriage, annulment, divorce or death the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. (38 U.S.C. 3012)

* * * * *

12. In § 3.808, paragraph (a) is revised to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

* * * * *

(a) *Service.* The claimant must have had active military, naval or air service on or after September 16, 1940.

* * * * *

13. In § 3.810, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362 (payable in a lump sum).

* * * * *

14. In § 3.1600, paragraph (a) is revised and paragraph (g) is added to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

* * * * *

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 ($800 if death is service-connected) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, of otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920. (38 U.S.C. 902; 907; 107(a).)

* * * * *

(g) *Transportation expenses for burial in national cemetery.* Where a veteran dies as the result of a service-connected disability, or at the time of death was in receipt of disability compensation (or but for the receipt of military retired pay or non-service-connected disability pension would have been entitled to disability compensation at time of death) there is payable, in addition to the burial allowance (either $250 or $800 if cause of death was service connected), an additional amount for payment of the cost of transporting the body to a national cemetery for burial. This amount may not exceed the cost of transporting the body from the veteran's place of death to the national cemetery nearest the veteran's last place of residence in which burial space is available. The amounts payable under this paragraph are subject to the limitations set forth in §§ 3.1604 and 3.1606.

15. In § 3.1606, the section heading, the introductory portion preceding paragraph (a) and paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 3.1606 Transportation items.

The transportation costs of those persons who come within the provisions of §§ 3.1600(g) and 3.1605(a), (b), (c) and (d) may include the following:

(a) *Shipment by common carrier.* (1) Charge for pickup of remains from place hospitalized or place of death but not to exceed the usual and customary charge made the general public for the same service.

* * * * *

(b) *Transported by hearse.* (1) Charge for pickup of remains from place hospitalized, or place of death, and

* * * * *

16. In § 3.1609, paragraph (a) is revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his or her lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran.

* * * * *

[FR Doc.76-32618 Filed 11-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 640-2]

IOWA

Proposed Revision; Approval and Promulgation of Implementation Plans

On June 9, 1976, the Iowa Department of Environmental Quality (DEQ) submitted proposed revisions to the Iowa State Implementation Plan (SIP). The proposal consists of amendments to the Iowa Air Pollution Control Regulations and a chapter of DEQ Executive Committee Rules. The regulation amendments were adopted at several public hearings by the Iowa Air Quality Commission (IAQC). The Executive Committee Chapter was adopted by the Iowa DEQ Executive Committee in accordance with procedures which provide for public participation. Dates of adoption and effectiveness are given with the descriptions of the substantial revisions of each group.

Chapter 52, of the Executive Committee Rules, deals with confidentiality of information submitted to DEQ. It requires businesses which supply data to DEQ to specifically request confidentiality for information to be withheld. Should such information be requested, the director of DEQ will decide if it is to be released. An appeal procedure is provided for both companies and requestors who disagree with the director's decision. It specifically exempts from confidential treatment any air emission data.

Chapter 52 was adopted by the Executive Committee on November 20, 1975, and became effective on January 19, 1976.

Since Executive Committee Rules affect all divisions of DEC, the IAQC abolished its own Regulation 2.1(4), "Confidentiality," effective February 16, 1976.

Chapter 3, of the Air Pollution Control Regulations, is revised to require that the director, at the request of a source owner, must determine if a proposed source can be located at a particular site. This is unrelated to the requirement on sources that they obtain a permit from the State prior to the initiation of construction. That require-

ment is unchanged and remains a part of the approved SIP.

Permit applications are now required to be completed before the 60-day time limit for approval or denial begins.

The director can now require new permits for portable equipment on a portable source if, in its new location, it would otherwise prevent the attainment or maintenance of ambient air quality standards.

Exempted from permit requirements is equipment that emits only odors, equipment which eliminates all emissions, and fugitive dust controls to which a control efficiency cannot be assigned. Variances from New Source Performance Standards (NSPS) are disallowed.

Chapter 4, "Emission Standards," is amended to include, by reference, the Federal NSPS for electric arc furnaces promulgated September 23, 1975, and also by reference, any changes made before December 31, 1975, in the previously adopted NSPS.

The director is now allowed to impose an exhaust gas limit of 0.1 grains of particulate matter per standard cubic foot on any source which will cause air pollution even though other emission limits are met. Air pollution means presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or may reasonably tend to be, injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.

Separate paragraphs limiting animal feed plant emissions and grain processing plant emissions were consolidated with the added provision that such emissions are only limited at permanent facilities.

Also included with this set of revision to Chapter 4, was a provision removing the 1978 sulfur dioxide (SO_2) limitation on liquid fuel-burning sources while leaving intact the 1978 SO_2 limit for solid fuel-burning sources. However, EPA intends to take no action on this provision as the IAQC has since adopted additional revisions to Chapter 4 and to this particular subparagraph. These later revisions were submitted simultaneously with revisions which were adopted earlier and are discussed below.

A new Chapter 14, "Rules of Practice," has been adopted. This chapter specifies an organization for the IAQC, its general methods of operation, rules of practice and a description of the various forms used by the DEQ Air Quality Management Division.

The above revisions to Chapters 2, 3, 4 and 14 were adopted by the IAQC on February 12, 1976, and became effective April 26, 1976.

A section of Chapter 14 describing a reporting form provided to owners of vehicles which have been cited for violation has been reworded to specifically make submission of the form voluntary rather than mandatory. This corrects an error in the original printing of Chapter 14. The corrected version became effective June 7, 1976.

Chapter 4 has been revised to increase the SO_2 emission limit for existing solid fuel-burning sources of over 500 million British Thermal Units (BTU) heat input per hour from 6-pounds of SO_2 per million BTU input to 8-pounds per million BTU.

The previous 6-pound limit has been retained in 10 Counties: Black Hawk (Waterloo); Clinton (Clinton); Des Moines (Burlington); Dubuque (Dubuque); Jackson, Lee (Keokuk); Linn (Cedar Rapids); Louisa, Muscatine, and Scott (Davenport). The 6-pound limit is also in effect for new sources under 250 million BTU heat input.

It should be noted that the presently approved SIP emission limit for sulfur dioxide from solid fuel-burning sources is five-pounds per million BTU heat input. The State adopted a six-pound limit, but requested that EPA not take action approving it as part of the SIP pending further revision of the regulations. The regulation being proposed in the notice is intended by the State to supplant both the previous State regulation of six-pounds per million BTU and the federally-approved SIP regulation of five-pounds per million BTU.

Chapter 4 also requires sources subject to NSPS to comply with NSPS.

Once a violation of the SO_2 ambient standards has occurred the director may require all sources within 20 kilometers of the monitoring site where the violation was recorded to meet a six-pound limit rather than the eight-pound limit.

Liquid fuel-burning sources are limited to 2.5 pounds $SO_2/10^6$ BTU except for sources subject to NSPS.

The revisions to Chapter 4 were adopted April 15, 1976, and became effective July 19, 1976.

In addition to the above revisions, the State has made a number of revisions in the codification and internal cross-referencing of the regulations. These are minor changes that do not affect the control strategy in the SIP.

The revisions to the SO_2 limits for fuel-burning sources were submitted by the State under Section 110(a)(3)(B) of the Clean Air Act. This paragraph requires the Administrator to approve or disapprove within three months any proposed plan revisions which relate only to fuel-burning sources and are consistent with the Energy Supply and Environmental Coordination Act and the Clean Air Act.

The proposed revision and an analysis intended to demonstrate attainment and maintenance of National Ambient Air Quality Standards for SO_2 were submitted June 9, 1976. This submittal was incomplete and supplemental material was submitted by the State on August 9, 1976, and August 17, 1976. The complete submission was in the regional office as of August 19, 1976.

All of the above changes constitute a proposed revision to the State of Iowa implementation plan, pursuant to 40 CFR 51.8. This notice is issued to advise the public of the receipt of this proposed change and to request public comment.

The revisions to Chapter 4 which specify different SO_2 limits in different counties have been challenged by the Administrative Rules Review Committee of the Iowa General Assembly. The Committee objects on the grounds that the DEQ acted arbitrarily in adopting these regulations.

Under the Iowa Administrative Procedure Act, the agency which adopted a rule to which an objection has been filed must bear the burden of proof in any action to enforce the rule that such capricious or beyond the authority of the agency with respect to the source that is the subject of the enforcement action. Because of this presumption against the regulations, it appears that they may be unenforceable and unapprovable. EPA is taking steps to ascertain the status of the regulations under State law.

In addition, Regulation 4.3(3) may be unapprovable in that it appears inadequate to maintain ambient air quality standards. The modeling data submitted by the State does not demonstrate maintenance of standards. It appears that subregulation 4.3(3)a(5), which requires a lower emission limit once a violation of ambient standards has occurred, by it nature may not prevent violations and may be unapprovable. The State has been given the opportunity to clarify this situation.

Under Section 110(a)(3)(b) EPA is required to provide an opportunity for a public hearing on the SO_2 regulation revisions. Such a hearing will be held in response to substantial public interest in this matter.

The Administrator's decision to approve or disapprove revisions to a plan is based on whether or not they meet the requirements of Section 110(a)(2)(A) through (H) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

All comments should be addressed to Mr. Dewayne E. Durst, Chief, Air Support Branch, Air and Hazardous Materials Division, EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108. Only comments received by December 6, 1976, will be considered. Copies of the proposed revision to the State of Iowa implementation plan and the supporting documents are available for public inspection at the office of EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108; the Public Information Reference Unit, EPA, 401 M Street, SW., Washington, D.C. 20460; and at the Iowa Department of Environmental Quality, 3920 Delaware Avenue, Des Moines, Iowa 50316.

(42 U.S.C. 1857c-5)

Date: September 23, 1976.

CHARLES V. WRIGHT,
Acting Regional Administrator.

[FR Doc.76-32509 Filed 11-4-76;8:45 am]

[40 CFR Part 52]

[FRL 635-2]

NEW JERSEY

Proposed Revision of State Implementation Plan

Correction

In FR Doc. 31550, appearing at page 47283 in the issue for Thursday, October 28, 1976, the document referenced here was inadvertently placed in the notices section of the FEDERAL REGISTER. It should have been placed in the proposed rules section, and the heading should have read as set forth above.

[40 CFR Part 52]

[FRL 640-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS

Proposed Change in the Sulfur Content of Fuel Burned in the Massachusetts portion of the Hartford-New Haven Springfield 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 exceptions the Massachusetts Implementation Plan for the attainment of national ambient air quality standards.

On July 22, 1976 the Massachusetts Secretary of Environmental Conservation submitted a proposed revision pursuant to the recently adopted Chapter 494, Commonwealth of Massachusetts' "An Act Relative to Periodic Review of Ambient Air Quality Standards" to be included in the implementation plan. Chapter 494 of the Acts of 1974 requires the Massachusetts Department of Environmental Quality Engineering (the Department) to review those portions of the State Implementation Plan to determine if any of the regulations are more stringent than necessary to attain and maintain National Ambient Air Quality Standards and are therefore contributing in some degree to the already spiraling costs of energy and other products due to recent increases in the cost of fuels. Such a review has been conducted by the Department for the Pioneer Valley Air Pollution Control District. The Department found that the existing regulation controlling the sulfur content of residual fuel oil in the District could be relaxed for specific large fuel burning sources and still attain and maintain the current Ambient Air Quality Standards for Sulfur Dioxide. Therefore, the Department has submitted to the U.S. Environmental Protection Agency, Region I (EPA) a proposed revision to the Massachusetts State Implementation Plan (SIP) to amend the regulations in the Pioneer Valley Air Pollution Control District so that residual fuel oil burning sources having an energy input capacity of one hundred million (100×10^6) Btu per hour or more as rated by the Department will be permitted to burn fuel oil with a sulfur content of 2.2 percent by weight for a period of two years. The existing regulations only permit the burning of residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content fuel oil). According to the proposed revision, all sources with a rated energy input capacity less than one hundred million Btu per hour would still be required to burn residual oil with a sulfur content not in excess of 1.0 percent by weight. All present coal users would be permitted to burn coal with a sulfur content not in excess of 1.6 percent by weight and all distillate fuel oil users would continue to burn distillate oil with a sulfur content not in excess of 0.3 percent by weight. The proposed revision requires that each source be reviewed by the Department prior to implementing use of the higher sulfur content fuel in order to insure that ambient air quality standards will not be exceeded. The proposed revision also requires that the use of such fuel by each source must be approved in writing by the Department. As a condition of approval, the Department may require the establishment of a network of continuous ambient air sulfur dioxide monitors to be located (with approval by the Department) in the vicinity of a facility or combination of facilities eligible to burn fuel of the revised higher sulfur content. Exceedance of ambient air quality standards for sulfur dioxide recorded by such monitoring systems would be grounds for requiring an immediate and permanent return to the use of lower sulfur fuel for the sources involved. Approval would also include provisions for emission reduction in the event that unusual adverse meteorological conditions existed or were anticipated. However, EPA's evaluation assumes that all eligible sources use the higher sulfur content fuel under worst case meteorological conditions; for such sources the National Ambient Air Quality Standards will not be violated. All approvals granted will be revocable if there is evidence of noncompliance with any other applicable regulation. This provision allows the Department to abate nuisance conditions when they occur in conjunction with the use of higher sulfur content fuel. The Department would further reserve the right to revoke any approval in instances where standards were exceeded for reasons associated with model underprediction.

The Department has evaluated the impact of relaxing the sulfur content in fuel (Regulation 5) for the Pioneer Valley Air Pollution Control District by an EPA approved computer program, the Air Quality Display Model. This model required extensive air quality data and a reliable emission inventory. The emission inventory in the District was prepared for the base year 1972. The Department's evaluation indicates that there are 29 sources which are in the size category eligible to burn the higher sulfur fuel. Of these 29 sources, 21 have been evaluated and the results indicate that no violations of the National Ambient Air Quality Standards will occur. The 21 sources which EPA proposes to approve are:

1. Amherst College, Amherst
2. Belchertown State School, Belchertown
3. Brown Company, Holyoke
4. Erving Paper Mills, Erving
5. Holyoke Gas & Electric Company, Holyoke
6. The Kendall Company, Colrain
7. Massachusetts Mutual Life Insurance Company, Springfield
8. Monsanto Polymer & Petrochemical Company (Bldg. 21), Springfield
9. Northampton State Hospital, Northampton
10. Scott Graphics, South Hadley
11. Smith College, Northampton
12. Springfield Technical Community College, Springfield
13. Stanley Home Products, Easthampton
14. Stevens Elastomeric Company, Easthampton
15. Uniroyal Inc., Chicopee
16. University of Massachusetts, Amherst
17. University of Massachusetts (Tillson Farm), Amherst
18. Ware Industries, Ware
19. Westfield State College, Westfield
20. Westover AFB (Bldg. 1411), Chicopee
21. Mount Holyoke College, South Hadley

There are 8 sources which EPA has not yet evaluated sufficiently to determine whether they may be approved or disapproved. We are soliciting public comment and technical information on the following 8 sources so as to assist us in making a final determination of approvability:

1. Monsanto Polymer and Petrochemical Company, Building 49, Springfield (large maximum SO_2 emission and stub stacks).

2. West Springfield Generating Station, Western Massachusetts Electric, West Springfield (primary daily SO_2 standards violations predicted by previous studies).

3. Mount Tom Generating Station, Holyoke Water Power, Holyoke (primary SO_2 standards violations predicted by previous studies).

4. Riverside Generating Station, Holyoke Water Power, Holyoke (primary SO_2 standards violations predicted by previous studies).

5. Westover Air Base, Building 7102, Chicopee (24 hour primary SO_2 standards violations predicted by State).

6. Deerfield Specialty Paper, Monroe, (annual and daily primary SO_2 standards violations predicted by the Valley Model).

7. Westfield River Paper Company, Russell (daily primary SO_2 standards violations predicted by the Valley Model).

8. Strathmore Paper, Russell (daily primary SO_2 standards violations predicted by the Valley Model).

The State evaluation of the impact of the revision indicated that an increase in residual fuel oil sulfur content may cause an increase in particulate (TSP) emissions of approximately 0.2 ug/m^3. Such an increase in ambient particulate levels is not considered to be significant. Furthermore, the Department is proposing to require particulate stack testing of all sources authorized to burn higher sul-

fur fuel. Such a requirement will monitor any increases in ambient particulate concentration so that appropriate changes or controls can be effected.

The Department's evaluation of the peak short-term impact of sources allowed to burn the higher sulfur fuel shows that the potential exists to increase SO_2 concentrations in excess of secondary standards. So far, no violations of the secondary standards have been recorded in the Pioneer Valley Air Pollution Control District. If the revision is approved, the Department intends to monitor any increases in SO_2 and to take all necessary actions to assure that Ambient Air Quality Standards for SO_2 and TSP are monitored.

Copies of the Massachusetts submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 2113, Boston, Massachusetts 02203; Department of Environmental Quality Engineering, Bureau of Air Quality Control, Room 320, 600 Washington Street, Boston, Massachusetts 02111; and the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The Regional Administrator hereby issues this notice setting forth the Massachusetts revision as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the address below. Relevant comments received by December 5, 1976 will be considered and acknowledged. Comments received will be available for public inspection during normal working hours at the Region I office. All comments should be addressed to: Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2)(A)–(H) and 110(a)(3) of the Clean Air Act and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–(5)(a) and 1857(g). The Administrator is therefore proposing to amend 40 CFR Part 52 in the manner set forth below.

Dated: October 29, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator (Region I).

§ 52.1120 [Amended]

In Subpart W—Massachusetts § 52.1120 paragraph (c) is amended by inserting the phrase, "On July 22, 1976, the Secretary of Environmental Affairs submitted a revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Pioneer Valley Air Pollution Control District" (except as provided in § 52.1126(b)) in proper chronological order. § 52.1126 is amended by adding paragraph (b) as follows:

§ 52.1126 Control strategy: Sulfur oxides.

* * * * *

(b) Massachusetts Regulation 5.1 for the Pioneer Valley Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of Regulation 5 which stipulate that sources are permitted to burn residual fuel oil having a sulfur content not in excess of 0.55 lb. per million Btu heat release potential (approximately equivalent to 1 percent sulfur content):

(named sources to be determined before final approval)

[FR Doc.76-32647 Filed 11-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[42 CFR Part 84]

GAS DETECTOR TUBES

Proposed Classification and Labeling Requirements

On May 8, 1973, the Department adopted regulations (38 FR 11458) setting forth the requirements and procedures of the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, for the evaluation and certification of gas detector tube units—instruments to detect the presence and concentrations of gases in occupational environments. In the course of evaluating detector tubes in this program, NIOSH has concluded that tube users will be better served by the establishment of the following two classes of gas detector tubes: (1) Specific tubes—those used to measure a specific gas with an accurancy substantially unaffected by the presence of other chemical substances (interferents), and (2) nonspecific tubes—those which are calibrated for one or more particular contaminants and with an accuracy that is affected by interferents.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 84 of Title 42, Code of Federal Regulations, by differentiating between specific and nonspecific gas detector tubes and imposing appropriate labeling requirements for such tubes. For example, a nonspecific tube would be labeled "hydrocarbon tube calibrated for benzene" and a specific tube would be labeled "benzene tube." It is not desirable to eliminate the nonspecific tubes provided they are properly labeled because they are satisfactory in many cases and, in some instances, may be the best method of detecting a compound. To provide manufacturers of gas detector tubes the opportunity to effectuate the labeling changes for units for which they hold certificates, it is proposed to make the amendments effective 90 days after republication in the FEDERAL REGISTER.

It is also proposed to revise § 84.3 to provide that applications for certification of detector tubes for specific gases previously announced in accordance with § 84.3(a) will now be accepted at any time. Future notices may be published in the FEDERAL REGISTER indicating dates during which applications will be accepted for certification of tubes intended to measure particular gases not previously announced. During the periods indicated in these notices, the tubes that measure the gases listed in the notice will have priority over other tubes in testing for certification.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to Ms. Mary L. Hough, Regulations Assistant, National Institute for Occupational Safety and Health, Room 3–32, Park Building, 5600 Fishers Lane, Rockwille, MD 20852 (Phone: (301) 443–6268). Comments received on or before December 20, 1976 will be considered in the preparation of final regulations and will be available for public inspection during normal business hours at the foregoing address.

This proposal has been reviewed for compliance with Department regulatory policies issued July 25, 1976, and published at 41 FR 34811. It has been determined that the proposed changes are (1) basically technical in nature, (2) not of major program significance, (3) not expected to be controversial, and (4) not a major policy issue. For these reasons, the proposal is being issued without the use of an implementation plan or Notice of Intent which would otherwise be required by the new policies. The normal notice of proposed rulemaking procedure is expected to provide adequate public participation in the rulemaking process. Therefore, it is proposed to adopt the amendments set forth below, effective 90 days after their republication in the FEDERAL REGISTER.

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821 and does not require an Inflation Impact Evaluation.

Date: October 8, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: November 1, 1976.

MAJORIE LYNCH,
Acting Secretary.

Part 84 of Title 42, Code of Federal Regulations is amended as follows:

1. Section 84.2 is amended by adding new paragraphs (k), (l), (m), and (n) to read as follows:

§ 84.2 Definitions.

* * * * *

(k) "Interferent" means a chemical substance which affects the measurement of gas concentrations over the working range of the tube.

(l) "Major interferent" means a chemical substance which changes the indication of the tube by greater than +10% or −5%.

(m) "Specific tube" means a gas detector tube which has no major interferents.

(n) "Nonspecific tube" means a gas detector tube which is calibrated for one or more particular contaminants and has major interferents.

2. In §84.3, paragraph (a), (h)(1), and (i)(1) are amended to read as follows:

§ 84.3 Applications; tube units; components.

(a) Applications may be filed at any time for certification of tubes intended to measure specific gases for which notices have been published previously in the FEDERAL REGISTER. From time to time, the Institute may publish a notice in the FEDERAL REGISTER specifying the dates during which applications will be accepted for the testing and certification of tube units and components thereof which are intended to measure specific gases. This notice shall also list the test standard adopted by the Institute for each gas. During the dates specified in the notice, the tubes that measure the gases listed in the notice will have priority over other tubes in testing for certification.

* * * * *

(h) * * *

(1) Drawings, specifications, and descriptions adequate in detail to identify the design, dimensions, and materials of the detector tube, aspirating pump, and other components with an index to such drawings, specifications, and descriptions indicating the latest revisions.

(i) * * *

(1) Drawings, specifications, and descriptions adequate in detail to identify the design, dimensions, and materials of the component part and its function in the tube unit with an index of such drawings, specifications, and descriptions indicating the latest revisions.

3. In § 84.6, paragraph (d)(4) is revised and paragraphs (c)(4), (d)(6), and (d)(7) are added. The added and revised provisions read as follows:

§ 84.6 Required information.

* * * * *

(c) * * *

(4) For specific tubes, the contaminant(s) for which the unit has been certified. For nonspecific tubes, the contaminant(s) for which the unit has been certified together with the general group of contaminants which the tube will detect. For example: "Hydrocarbon tubes calibrated for benzene" or "Benzene tube which can also indicate other hydrocarbons".

* * * * *

(d) * * *

(4) Limitations of the tube unit in obtaining accurate concentration measurements including a list of known interferents and the amount of each which may be tolerated without affecting the measurement of toxic gas concentrations over the working range of the tube. In the case of a nonspecific tube, representative samples of the general class will also be included.

* * * * *

(6) The range and accuracy levels at which NIOSH tests the unit.

(7) The heading for the literature will be the contaminants for which the unit has been certified or the general group of detected contaminants as specified in § 84.6(c)(4).

4. In § 84.20, a new paragraph (g) is added to read as follows:

§ 84.20 General.

* * * * *

(g) The Institute will, as it considers necessary, test the effect of interferents on the unit. Improper or insufficient listing of interferents pursuant to § 84.6(d)(4) or incorrect labeling of a tube pursuant to § 84.6(c)(4) will result in the issuance of a notice that all requirements for certification have not been met. All interferents will be introduced at their exposure limits as listed in 29 CFR Part 1910.

[FR Doc.76-32554 Filed 11-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3500, 9230]

FEDERALLY-OWNED COAL DEPOSITS

Exploration Licenses

• The purpose of this notice of proposed rulemaking is to provide procedures for exploring Federally-owned coal deposits subject to lease pursuant to 43 CFR Part 3500. •

On August 4, 1976, Congress enacted the "Federal Coal Leasing Amendments Act of 1975" (Pub. L. 94-377; 90 Stat. 1039). Section 4 of that statute modified section 2(b) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 201(b)) to provide for the issuance of exploration licenses for federally-owned coal. This proposal sets forth application and bonding requirements for applicants and licensees, and delineates the responsibility for issuing and supervising the licenses.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. An environmental analysis will be prepared on individual actions or groups of related actions, and, where significant impacts on the quality of the human environment are identified, a statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 will be prepared.

In accordance with the Department's policy on public participation in rulemaking (36 FR 3336) interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until December 20, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Room 5555, Interior Building, Washington, D.C. during regular business hours (7:45 a.m.-4:15 p.m.).

On the basis of the foregoing, it is proposed that:

1. 43 CFR Part 3500 be amended by adding a new Subpart 3507 to read as follows:

Subpart 3507—Coal Exploration Licenses

Sec.

3507.0-1 Purpose.
3507.0-2 Objective.
3507.0-3 Authority.
3507.0-4 Responsibilities.
3507.0-5 Definitions.
3507.1 Lands subject to exploration license.
3507.2 Prelicensing procedures.
3507.2-1 Environmental review.
3507.2-2 Cultural resources.
3507.2-3 Threatened or endangered species.
3507.2-4 Other surface management agency.
3507.3 Licenses.
3507.3-1 Applications for license.
3507.3-2 Issuance and termination of license.
3507.3-3 Rights under license.
3507.3-4 Operating regulations.
3507.3-5 Surface protection and reclamation.
3507.3-6 Ground water data.
3507.3-7 Bonds.
3507.4 Use of data.
3507.5 Use of surface.

Subpart 3507—Coal Exploration Licenses

§ 3507.0-1 Purpose.

This subpart provides for the issuance of licenses for exploring federally-owned coal deposits subject to disposal pursuant to this Part 3500, regardless of surface ownership.

§ 3507.0-2 Objective.

The objective of this subpart is to allow private parties to explore federally-owned coal deposits in order to obtain geological, environmental, and other pertinent data concerning the deposits and the lands in which they lie.

§ 3507.0-3 Authority.

The authority for this subpart is found in section 2(b) of the Mineral Leasing Act of February 25, 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1975, 90 Stat. 1083, 1085, 30 U.S.C. 201(b).

§ 3507.0-4 Responsibilities.

(a) The Bureau of Land Management (BLM) exercises at the Bureau level the Secretary's discretionary authority to determine whether exploration licenses are to be issued, and is responsible for issuing and cancelling exploration licenses and terminating the period of liability of bonds. The regulations in this Subpart shall be administered by the Director through the State Director and the authorized officer, subject to the supervisory authority of the Secretary. The proper BLM office is also the office of record.

(b) The Geological Survey exercises the Secretary's authority regarding operations conducted within the area of operations by the licensee, and is responsible for all geological, economic, and en-

gineering determinations for the Department's coal leasing program.

(c) The authorized officer in consultation with the Geological Survey, and where appropriate, the surface management agency and the surface owner if other than the United States, formulates the requirements to be incorporated in exploration licenses for the protection of the surface resources, for reclamation, using as guidelines the surface operating and reclamation performance standards in Subpart 3041 of this chapter and 30 CFR Part 211, and for the bonding requirements.

(d) The Geological Survey, after consultation with the authorized officer, or where appropriate, the surface management agency and the surface owner, if other than the United States, reviews and concurs in exploration plans and recommends termination of the period liability of the bond upon the completion of exploration operations.

§ 3507.0–5 Definitions.

(a) "Coal deposit" means all federally-owned deposits which are subject to disposal under applicable law, except those held in trust for Indians.

(b) "Exploration" means drilling, excavating, and geophysical or geochemical surveying operations designed to obtain detailed data on the physical and chemical characteristics of coal deposits and their environment.

(c) "Surface management agency" means the Federal ageny or authorized officer thereof other than the Bureau of Land Management having jurisdiction over the surface of lands containing coal deposits subject to this part.

(d) "Exploration plan" means a detailed plan submitted to the Mining Supervisor, after consultation with the authorized officer or other surface management agency, for approval before exploration operations commence showing the location and type of exploration work to be conducted, environmental protection procedures, present and proposed roads, as well as reclamation and abandonment procedures to be followed upon completion of such operations.

(e) "Exploration license" means a license issued by the authorized officer to permit the exploration of federally-owned coal deposits under terms and conditions that will protect the surface and subsurface resources and the environment, and provide for the reclamation of any damage caused by such exploration.

(f) "Privileged resource data" means geological data, mineralogical data, geophysical data, geochemical data, and economic data including maps, that may be used to calculate reserves in place, and production costs, trade secrets, and commercial or financial information obtained from any licensee under this subpart and identified as confidential and privileged resource data.

(g) "Coal exploration for commercial purposes" means exploration conducted in order to acquire information concerning the environmental, physical, and chemical characteristics of the coal deposit, the strata above the deposit, the hydrologic conditions associated with the deposit, and any other information that may be necessary to prepare a complete resource evaluation of the land.

(h) "Participate" means to have or take part or share with others in an exploration license.

(i) "Participant" means a person who participates or shares in an exploration license.

(j) "Reasonable amount of coal for analysis and study" means only that amount of coal necessary to establish whether or not a federally owned deposit can be economically extracted and the removal of which does not cause substantial disturbance to the natural land surface.

(k) "Substantial disturbance to the natural land surface" means disturbance of the surface other than that necessary for the mere location of potential coal deposits and for the access to those deposits necessary to determine their location and quality by activities such as surface sampling or drilling geologic study and exploration holes. These operations shall extend only to the degree and extent necessary to determine the nature of the overlying strata and the depth, thickness, shape, grade, and quality of the coal deposit.

§ 3507.1 Lands subject to exploration license.

(a) Exploration licenses may be issued for:

(1) Lands administered by the Secretary subject to coal leasing;

(2) National forest lands or other lands administered by the Secretary of Agriculture through the Forest Service subject to coal leasing;

(3) Coal deposits in lands which have been conveyed by the United States subject to a reservation to the United States or mineral deposits, to the extent that those deposits are subject to lease pursuant to this Part 3500; and

(4) Coal or lignite deposits in acquired lands set apart for military or naval purposes.

(b) No exploration license will be issued for any land on which a coal lease has been issued.

§ 3507.2 Prelicensing procedures.

§ 3507.2–1 Environmental review.

Before the issuance of an exploration license:

(a) The authorized officer or, where the surface is not administered by BLM, the surface management agency shall, using the exploration plan submitted by the applicant, make an environmental analysis and technical examination of the potenial effect of such exploration on the resources of the area and its environment, including fish and other aquatic resources, wildlife habitats and populations, visual resources, recreation, cultural, and other resources in the affected area. The applicant shall not begin exploration until an environmental analysis is accomplished and the exploration plan has been approved.

(b) If the authorized officer or, where the surface is not administered by BLM, the surface management agency determines that an environmental impact statement is required by the National Environmental Policy Act of 1969 (43 U.S.C. 4321–4327), he will take necessary steps to prepare such a statement.

§ 3507.2–2 Cultural resources.

If lands in the National Register or nominated for inclusion in the National Register contain cultural resources which might be affected by the issuance of an exploration license, no such license will be authorized until there has been compliance with Section 106 of the Historic Preservation Act (80 Stat. 917; 16 U.S.C. 470f) and Section 2(b) of E.O. 11593 of May 13, 1971, (36 FR 8921 (16 U.S.C. 470 fn)).

§ 3507.2–3 Threatened or endangered species.

The authorized officer shall not issue an exploration license if he determines pursuant to the Act of December 28, 1973 (87 Stat. 884, 16 U.S.C. 1531–1543) that the existence of any threatened or endangered species of fauna or flora will be jeopardized and that critical habitat would be destroyed or adversely modified to a significant degree by the exploration activities authorized by that license. In making this determination, the authorized officer shall consult the surface management agency, if the surface is not managed by BLM.

§ 3507.2–4 Other surface management agency.

The authorized officer shall issue an exploration license covering lands the surface of which is under the jurisdiction of any Federal agency other than the Bureau of Land Management only upon such conditions as the surface management agency may prescribe with respect to the use and protection of the nonmineral interests in those lands.

§ 3507.3 Licenses.

§ 3507.3–1 Applications for license.

(a) *Applications.* Exploration license applications shall be subject to the following requirements:

(1) No specified form of application is required.

(2) Each application shall identify the tract or tracts to be explored described by legal description (or, if unavailable, by metes and bounds).

(3) Each application shall contain an exploration plan which complies with the requirements of 30 CFR 211.10.

(4) Each application with supporting documents shall be filed in the proper BLM Office, together with a nonrefundable $250 license fee.

(5) A separate application shall be filed for exploration in each State.

(b) *Qualified persons.* Any person qualified to hold leases or contracts issued pursuant to this Part 3500 may apply for an exploration license.

(c) *Call for applications.* Nothing in this subpart shall preclude the authorized officer from issuing a call for an expression of interest in exploration licenses for a given area.

(d) *Participation.* Applicants for licenses shall be required, after approval of the plan and prior to issuance, to afford other parties an opportunity, on a pro rata cost sharing basis, to participate in the approved exploration plan. Upon notice that a license will be issued to him an applicant must publish a "Notice of Invitation," approved by the authorized officer, once every week for four consecutive weeks in at least one newspaper of general circulation in the area where the lands covered by the license application are situated. This notice must contain an invitation to the public to participate in the proposed exploration program. Copies of published Notices of Invitation must be filed with the authorized officer upon each publication for posting in the proper BLM Office. Any person who elects to participate in the exploration programs shall notify in writing the authorized officer and the applicant. Upon the applicant's compliance with the requirements of this section, all else being regular, the authorized officer may issue the exploration license.

§ 3507.3–2 Issuance and termination of license.

(a) *General.* The issuance of exploration licenses under this Subpart is discretionary with the authorized officer. Issuance of an exploration license does not obligate the Government to issue a lease or contract on lands covered by the license.

(b) *Duration.* Exploration licenses may be issued for not more than two years, including the time for clean up and restoration. The authorized officer shall designate the date on which operations may begin.

(c) *Relinquishments.* A licensee may, subject to his own and his surety's continued obligation to comply with the terms and conditions and special stipulations of the license, the plan, and the regulations, relinquish an exploration license for all or any portion of the lands embraced in it. A relinquishment must be filed in the proper BLM Office.

(d) *Revocation.* An exploration license may be revoked for noncompliance with the terms of the license, the plan, or the regulations, after the licensee has been given a notice of violation and the licensee has failed to correct the violations within the period prescribed in the notice.

(e) *Exploration Plan.* The approved exploration plan will be dated, attached, and made a part of each license issued.

(f) *Modifications.* When unforeseen conditions that could result in signficant disturbance or damage are encountered or when geologic or other physical conditions warrant a modification in the approved exploration plan, (1) the authorized officer, after consultation with the Mining Supervisor and, where appropriate, the surface management agency, may adjust the terms and conditions of the license or, (2) the Mining Supervisor, after consultation with the authorized officer, and where appropriate, the surface management agency, may approve changes in the exploration plan.

(g) *Different States.* A separate exploration license is required for exploration in each State.

(h) *Extensions.* Exploration licenses may not be extended. Exploration operations may not be conducted after a license has expired. The licensee may apply for a new license as described in § 3507.3–1. A new license may be issued simultaneously with the termination of the existing license.

§ 3507.3–3 Rights under licenses.

(a) The issuance of an exploration license shall convey no rights except the right to perform exploration operations in accordance with the specific terms and conditions of the license, the approved plan, and the regulations.

(b) The issuance of exploration licenses shall not preclude the issuance of coal leases at such time and places and to such persons as are deemed appropriate, subject to applicable regulations, and, if a coal lease is issued for lands embraced in an exploration license, those lands shall be eliminated from the license upon the effective date of the lease.

(c) A licensee may not remove for sale any coal from the deposits subject to his license, but he may remove a reasonable amount of coal for analysis and study.

§ 3507.3–4 Operating regulations.

The licensee shall comply with all regulations of the Secretary of the Interior, including the provisions of the operating regulations of the Geological Survey (30 CFR Part 211). Copies of the operating regulations may be obtained from the Mining Supervisor. The licensee shall allow inspection of the premises and operations by duly authorized representatives of the Secretary and, where appropriate, any surface management agency, and shall provide for the free ingress and egress of Government officers and persons using the lands under authority of the United States.

§ 3507.3–5 Surface protection and reclamation.

(a) The authorized officer shall include in each exploration license requirements and stipulations to protect the environment and other resources and to ensure reclamation of the land disturbed by exploration.

(b) A licensee may not cause substantial disturbance to the natural land surface.

§ 3507.3–6 Ground water data.

The applicant may be required to collect and report ground water data to the authorized officer.

§ 3507.3–7 Bonds.

(a) The provisions of the regulations in Subpart 3504 of this part are hereby made applicable to these regulations. The holding of an adequate compliance bond will be a condition of the exploration license.

(b) Prior to issuing an exploration license the authorized officer after consultation with the Mining Supervisor and, where appropriate, the surface management agency, and where appropriate, the surface owner, shall ensure that the amount of the compliance bond or bonds to be furnished is sufficient to ensure compliance with the terms and conditions of the license and regulations, but in no event shall the amount of such bond be less than $5,000.

(c) Upon completion of an exploration and reclamation program which is in compliance with the terms and conditions of the exploration license, the approved plan, and the regulations, or upon discontinuance of exploration operations and completion of such reclamation as may be needed to the satisfaction of the authorized officer and, where appropriate, the surface management agency, the authorized officer will terminate the period of liability of the compliance bond. Where the surface of the land being explored is in private ownership, the authorized officer shall not terminate the period of liability under the compliance bond until he has received written acknowledgement from the surface owner of his satisfaction with the reclamation of the surface. In the event the licensee and surface owners are unable to reach agreement on the adequacy of the licensee's reclamation effect, the authorized officer shall make the final determination. He will terminate the period of liability under the compliance bond after determining that the terms and conditions and special stipulations of the license, the approved plan, and the regulations have been met.

§ 3507.4 Use of data.

All resource and environmental data obtained by the licensee in compliance with the terms and conditions of the license, the plan, or the regulations shall be submitted to the Mining Supervisor. The licensee shall submit such data and, where appropriate, the standards under which the data were gathered, at such time and in such form as required by the Mining Supervisor, the authorized officer, or surface management agency, or as specified in this Subpart the license, or the plan. Privileged resource data which is submitted to the Mining Supervisor by the licensee shall be treated as confidential proprietary information until the licensed lands are leased or until the Mining Supervisor determines that making the data available to the public would not damage the competitive position of the licensee, whichever is sooner. In no case shall the information be treated as confidential for more than five years.

§ 3507.5 Use of surface.

(a) A licensee shall be entitled to use for exploration purposes only so much of the surface of the licensed lands as is authorized in the approved exploration plan.

(b) Operations under these regulations shall not unreasonably interfere with or endanger operations under any other au-

thorized use pursuant to the provisions of any other Act.

(c) The licensee shall comply with all applicable State and local regulations and standards as prescribed by the authorized officer and, where appropriate, surface managing agency, including the regulations in Parts 23, 3041, 3500, 3600 of this chapter and 30 CFR Parts 211 and 231.

(d) Any person who willfully conducts coal exploration for commercial purposes on lands subject to this subpart without an exploration license shall be subject to to the provisions of § 9239.5–3(f) of this chapter.

2. Paragraph (b)(3) of 43 CFR 9239.0–3 be amended to read as follows:

§ 9239.0–3 Authority.

* * * * *

(b) * * *

(3) *Coal trespass.* 18 U.S.C. 1851; 30 U.S.C. 201(b)(4).

3. 43 CFR 9239.5–3 be amended by adding a new paragraph (f) to read as follows:

§ 9239.5–3 Coal.

* * * * *

(f) *Penalties for unauthorized exploration for coal.* (1) Any person who willfully conducts coal exploration for commercial purposes without an exploration license issued under Subpart 3507 of this chapter shall be subject to a fine of not more than $1,000 for each day of violation.

(2) All data collected by said person on any Federal lands as a result of such violations shall immediately be made available to the Secretary, who shall make the data available to the public as soon as possible.

(3) No penalty under this section may be assessed unless such person is given notice and opportunity for a hearing with respect to such violation pursuant to Part 4 of this chapter.

Dated: November 2, 1976.

W. W. Lyons,
Deputy Under Secretary.

[FR Doc.76–32606 Filed 11–4–76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Grizzly Bear

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a proposed rulemaking which would determine Critical Habitat for the Grizzly Bear (*Ursus arctos horribilis*) in the 48 conterminous States of the United States. This proposal is issued pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884; hereinafter the Act).

Background

In the Federal Register of July 28, 1975, (40 FR 31734–31736) the Director issued a final rulemaking determining the Grizzly Bear in the 48 conterminous States of the United States to be a Threatened species, pursuant to the Act. This rulemaking stated that one of the major reasons for the Threatened status of this bear was the following factor given in Section 4(a) of the Act: "the present or threatened destruction, modification, or curtailment of its habitat or range."

Shortly after the Grizzly Bear in the 48 conterminous States was listed as Threatened, the Service began to assemble data that could be utilized as the basis for a proposed determination of Critical Habitat. On April 21–22, 1976, a major meeting on this subject was held in Missoula, Montana. Approximately 50 persons attended this meeting, including representatives of the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Forest Service, private conservation organizations, universities, and the Idaho, Montana, and Washington Fish and Game Departments.

On the basis of the information presented at the meeting, and obtained from other sources, the Service is proposing that the areas delineated below be determined as Critical Habitat. These areas are described below State by State, but they actually merge to form four zones which are located in (1) the region where Wyoming, Montana, and Idaho come together, in Yellowstone National Park and adjacent areas, including parts of Custer, Shoshone, Teton, Beaverhead, and Gallatin National forests, and part of Grand Teton National Park; (2) northwestern Montana, in Glacier National Park, the Bob Marshall Wildenress Area, most of the Flathead National Forest, and adjacent areas, including parts of the Lewis and Clark, Helena, and Lolo National forests, and small parts of the Blackfeet and Flathead Indian reservations; (3) extreme northwestern Montana and northern Idaho, in the Cabinet Mountains, mostly in the Kootanai, Kaniksu, and Lolo National Forests; and (4) extreme northern Idaho and northeastern Washington, mostly in the Kaniksu National Forest.

These areas coincide approximately with the present regular distribution of the Grizzly Bear in the 48 conterminous States, and are the only remnants of the original range of the species which once covered a region approximately 50 times as great, from Canada to Mexico, and from the Great Plains to the Pacific. These areas contain the only significant Grizzly population south of Canada, and, insofar as is known, provide all biological, physical, and behavioral requirements of those populations. Among the important characteristics of these areas is their relative inaccessibility and lack of the kinds of human developments and activities that tend to result in conflicts between the bears and man. This degree of isolation and freedom from excessive human presence seems critical to the survival of the Grizzly. It is true that there are many natural or man-made sites scattered over these areas that are seldom or never utilized by the Grizzly Bear. It would not be possible, however, to attempt to identify all of these sites and exclude them from the overall designation.

It is emphasized that the areas delineated below may not necessarily include all of the potential Critical Habitat of the Grizzly Bear in the 48 conterminous States, and modifications may be proposed in the near future. At the present, the Service and other governmental agencies are studying particular areas which have the potential of being determined as Critical Habitat for the Grizzly. These areas include:

(1) A block of the Kootenai National Forest at the extreme northwestern corner of Montana;

(2) Several relatively small segments of land adjoining or near the presently proposed Critical Habitat in northwestern Montana, including portions of the Blackfeet and Flathead Indian reservations, and portions of the Helena and Lolo National forests;

(3) A section of land along the Continental Divide in west-central Montana, at the junction of the Deerlodge, Bitterroot, and Beaverhead National forests;

(4) Several relatively small segments of land adjacent to the presently proposed Critical Habitat in the Yellowstone region, including portions of the Gallatin, Custer, and Shoshone National forests;

(5) A section of land in the Bridger and Shoshone National forests to the west of the Wind River Indian Reservation; and

(6) Parts of the Selway-Bitterroot area in east-central Idaho and western Montana.

Effects of the Rulemaking

The effects of this determination are involved primarily with Section 7 of the Act, which states:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register of April 22, 1975 (40 FR 17764–17765). Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs or survival of that species; (2) actions by a Federal agency affecting

Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This last point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal agencies, and is essentially an official notification to Federal agencies that Section 7 of the Act applies to their activities within that area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a critical habitat delineation so as to cover additional habitat under section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect, the Service in cooperation with other Federal agencies has drawn up a set of guidelines which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate as possible in delineating the Critical Habitat of the Grizzly Bear. The Director therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

Notice of Public Hearing

The Service is interested in obtaining as wide and comprehensive public participation as possible on the delineation of Critical Habitat for the Grizzly Bear. Therefore, the Service hereby announces that public hearings will be held on this proposed rulemaking at the dates and locations set forth below.

Views and opinions of any person, presented either orally or in writing, are hereby solicited on this proposal. If there are questions concerning these public hearings, the appropriate person listed below under "contact" should be consulted.

Dates, locations, and contact person for public hearings

Date and time	Location	Contact
Nov. 8, 1976, 1 p.m. to 4 p.m., 7 p.m. to 9 p.m.		John Davis, Region 6, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Phone (303) 234-4600.
Nov. 10, 1976, 1 p.m. to 4 p.m., 7 p.m. to 9 p.m.		Do.
Nov. 12, 1976, 1 p.m. to 4 p.m. 7 p.m. to 9 p.m.		Philip A. Lehenbauer, Region 1, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oreg. 97208. Phone (503) 429-4041.
Nov. 17, 1976, 9 a.m. to 4 p.m.		Robert Jacobsen, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Phone (202) 343-5687.

Submittal of Written Comments

In addition to oral or written comments presented in person at the public hearings, individuals may forward written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, PO Box 19183, Washington, D.C. 20036. All relevant comments received no later than February 9, 1977, will be considered and incorporated into the records of the hearings. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: November 2, 1976.

Lynn A. Greenwalt,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend 50 CFR Part 17 by determining that the following areas are Critical Habitat for the Grizzly Bear.

1. Amend Subpart F, 50 CFR Part 17, by adding the following new § 17.60b

Subpart F—Critical Habitat

Sec.

* * * * *

17.60b Grizzly Bear

Subpart F—Critical Habitat

§ 17.60b Grizzly Bear.

The following areas (exclusive of those man-made structures or settlements which are not necessary to the normal needs or survival of the species) are Critical Habitat for the Grizzly Bear (*Ursus arctos horribilis*) in the 48 conterminous States of the United States.

Montana. (i) An area of land, water, and airspace, with the following boundary (Principal Meridian): Beginning at the northeastern corner of Glacier National Park; then southerly along the eastern boundary of said park to State Highway 17; thence southeasterly along State Highway 17, U.S. Highway 89, and State Highway 49 to the town of East Glacier Park; thence southeasterly along the secondary road through Heart Butte and Bynum Reservoir to the east line of R7W; thence southerly along the east line of R7W to the south line of T24N; thence westerly along the south line of T24N; to the west line of R7W; thence southerly along the west line of R7W to the south line of T21N; thence easterly along the south line of T21N to the east line of R7W; thence southerly along the east line of R7W to State Highway 434; thence southerly along State Highway 434 to State Highway 20; thence southerly along State Highway 20 to the south line of T15N; thence westerly along the south line of T15N to the boundary of the Helena National Forest; thence westerly along said boundary to the boundary of the Lolo National Forest; thence northwesterly along the south boundary of the Lolo National Forest to the south line of T17N; thence westerly along the south line of T17N to 114° W longitude; thence northerly along 114° W longitude to the north line of T22N; thence easterly along the north line of T22N to the western boundary of the Flathead National Forest; thence northerly along said boundary to the west line of R18W; thence northerly along the west line of R18W to the boundary of the Flathead National Forest; thence northwesterly along said boundary to the 8th Standard Parallel; thence westerly along said parallel to U.S. Highway 93; thence northwesterly along U.S. Highway 93 to the U.S.-Canada border; thence easterly along said border to the point of beginning.

(ii) An area of land, water, and airspace, with the following boundary (Principal Meridian): Beginning at the point where the Great Northern Railroad line intersects the Montana-Idaho border near the town of Yakt; thence easterly along said railroad line to the west line of R31W; thence southerly along the west line of R31W to the south line of T29N; thence easterly along the south line of T29N to the west line of R30W; thence southerly along the west line of R30W to the south line of T27N; thence easterly along the south line of T27N to the west line of R29W; then southerly along the west line of R29W to the south line of T25N; thence easterly along the south line of T25N to the west line of R27W; thence southerly along the west line of R27W to the north line of T22N; thence southeasterly along the boundary of the Lolo National Forest to the south line of T22N; thence westerly along the south line of T22N to the western boundary of the Lolo National Forest; thence northwesterly along said boundary to State Highway 200; thence northwesterly along State Highway 200 to the Montana-Idaho border; thence northerly along said border to the point of beginning.

(iii) An area of land, water, and airspace, with the following boundary (Principal Meridian): Beginning at the point common to the borders of Montana, Wyoming, and Idaho; thence northwesterly along the Montana-Idaho border to the western boundary

of the Gallatin National Forest; thence northerly along said boundary to the western boundary of the Beaverhead National Forest; thence northerly along the western boundary of the Beaverhead National Forest to the north line of T7S; thence easterly along the north line of T7S to U.S. Highway 191; thence northeasterly along U.S. Highway 191 to Swan Creek; thence easterly along Swan Creek to the headwaters of Swan Creek; thence southeasterly in a straight line to the southeast corner of T5S R6E; thence easterly in a straight line to Arrow Peak; thence northeasterly in a straight line to the northwest corner of T4S R15E; thence southerly along the Stillwater-Sweet Grass county line to the boundary between Gallatin and Custer National Forests; thence southeasterly along said Forest boundary to the Montana-Wyoming border; thence westerly and southerly along said border to the point of beginning.

Wyoming. An area of land, water, and airspace with the following boundary (6th Principal Meridian): Beginning at the northwestern corner of Wyoming; thence easterly along the Wyoming-Montana border to the eastern boundary of the Shoshone National Forest; thence southerly along said boundary to the point where said boundary intersects the 13th Guide Meridian in Sec. 36, T50N R105W; thence southerly along the 13th Guide Meridian to the 11th Standard Parallel North; thence westerly along said parallel to the west line of R106W; thence southerly along the west line of R106W to the south line of T44N; thence westerly along the south line of T44N to the west line of R109W; thence southerly along the west line of R109W to the north line of T41N; thence easterly along the north line of T41N to the east line of R109W; thence southerly along the east line of R109W to the south line of T41N; thence westerly along the south line of T41N to the east line of R111W; thence southerly along the east line of R111W to the south line of T40N; thence westerly along the south line of T40N to the west line of R113W; thence northerly along the west line of R113W to the northwest corner of T40N R113W; thence northwesterly in a straight line to the southwest corner of T43N R114W; thence northerly along the west line of R114W to U.S. Highway 89; thence northerly along U.S. Highway 89 to the south line of T46N; thence westerly along the south line of T46N to the Wyoming-Idaho border; thence northerly along said border to the point of beginning.

Idaho. (i) An area of land, water and airspace, with the following boundary (Boise Meridian): Beginning at the point where State Highway 287 crosses the Idaho-Montana border; thence easterly along said border to the Idaho-Wyoming border; thence southerly along the Idaho-Wyoming border to Bitch Creek; thence westerly along said creek to the boundary of the Targhee National Forest; thence northwesterly along said boundary to the Union Pacific Railroad line; thence northerly along said line to State Highway 84; thence westerly along State Highway 84 to U.S. Highway 191; thence northerly along U.S. Highway 191 to State Highway 287; thence northwesterly along State Highway 287 to the point of beginning.

(ii) An area of land, water and airspace with the following boundary (Boise Meridian): Beginning at the point where the western boundary of the Kootenai National Forest intersects the Great Northern Railroad line in T61N R3E; thence easterly along said railroad line to the Idaho-Montana border; thence southerly along said border to the western boundary of the Kootenai National Forest; thence northerly along said boundary to the point of beginning.

(iii) An area of land, water, and airspace with the following boundary (Boise Meridian): Beginning at the point where the Idaho-Washington border intersects the U.S.-Canada border; thence easterly along the U.S.-Canada border to the eastern boundary of the Kaniksu National Forest in T65N R2W; thence southerly along said boundary to the south line of T63N; thence westerly along the south line of T63N to the Idaho-Washington border; thence northerly along said border to the point of beginning.

Washington. An area of land, water, and airspace with the following boundary (Willamette Meridian): beginning at the point where the west line of R44E intersects the U.S.-Canada border; thence easterly along said border to the Washington-Idaho border; thence southerly along the Washington-Idaho border to the south line of T39N; thence westerly along the south line of T39N to the west line of R44E; thence northerly along the west line of R44E to the point of beginning.

[FR Doc.76-32607 Filed 11-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A394]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in West Carroll Parish, Louisiana, as a result of cold weather from March 15 through April 15, 1976, and drought July 4 through September 27, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than December 31, 1976, for physical losses and July 21, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–32545 Filed 11–4–76;8:45 am]

[Notice of Designation Number A392]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in St. Lawrence County, New York, as a result of excessive rainfall May 1 through September 20, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than December 20, 1976, for physical losses and July 20, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–32546 Filed 11–4–76;8:45 am]

[Notice of Designation Number A393]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of drought July 1 through September 13, 1976, in Cabarrus County; drought July 1 through August 31, 1976, in Davie County; drought January 1 through August 6, 1976, in Iredell County; drought July 1 through August 31, 1976, in Lincoln County; drought July 5 to September 14, 1976, in Mecklenburg County; and drought April 1 to April 30 and June 17 to September 1, late frost April 27 and May 9, excessive rainfall with flooding May 1 to June 17, a hailstorm June 14, and sandstorms May 10, June 11 and June 12, 1976, in Montgomery County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for emergency loans must be received by this Department no later than December 20, 1976, for physical losses and July 20, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–32547 Filed 11–4–76;8:45 am]

[Notice of Designation Number A386]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of the following natural disasters:

Bee—Drought October 15, 1975 through June 30, 1976, and excessive rainfall July 1 through July 15, 1976.
Brooks—Excessive rainfall July 5 through July 15, 1976.
Calhoun—Excessive rainfall July 10 through July 15, 1976.
Duval—Excessive rainfall July 5 through July 15, 1976.
Goliad—Excessive rainfall July 5 through July 16, 1976.
Jackson—Excessive rainfall July 4 through July 14, 1976.
Kleberg—Excessive rainfall July 6 through July 14, 1976.
Lamb—Drought January 1, through August 12, 1976, and hailstorms July 29, 1976, and August 2, 1976.
Live Oak—Drought September 1, 1975, through July 4, 1976, and excessive rainfall July 5 through July 15, 1976.
Nueces—Excessive rainfall July 3 through July 10, 1976.
Refugio—excessive rainfall July 5 through July 16, 1976.
San Patricio—excessive rainfall July 6 through July 11, 1976, and July 13 through July 15, 1976.
Victoria—excessive rainfall July 5 through July 16, 1976.
Willacy—excessive rainfall July 6 through July 15, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68 and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than December 14, 1976, for physical losses and July 13, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of pro-

posed rulemaking and invite public participation.

Done at Washington, DC, this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-32548 Filed 11-4-76;8:45 am]

[Notice of Designation Number A389]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Jim Wells County, Texas, as a result of excessive rainfall July 7 through July 13, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Brisco that such designation be made.

Applications for emergency loans must be received by this Department no later than December 15, 1976, for physical losses and July 14, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-32549 Filed 11-4-76;8:45 am]

[Notice of Designation Number A390]

VIRGINIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Virginia Counties as a result of the prolonged drought from April 1, 1976, through September 13, 1976.

Amelia.	Cumberland.
Augusta.	Pittsylvania.
Bedford.	Powhatan.
Charlotte.	

Therefore, the Secretary has designated the area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Mills E. Godwin, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than December 15, 1976, for physical losses and July 14, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 29th day of October 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-32550 Filed 11-4-76;8:45 am]

Forest Service

REGIONAL FORESTER, ALASKA

Delegation of Authority

By virtue of the authority delegated to me by the Secretary of Agriculture through the Assistant Secretary for Conservation, Research and Education (7 CFR 2.60), there is hereby delegated to the Regional Forester, Alaska, Forest Service, United States Department of Agriculture, authority to perform the functions and responsibilities of the Secretary of Agriculture as identified in sections 14(g), 15, 17(a)(6)(B), 17(b)(2), 22(i), and 22(k) of the Alaska Native Claims Settlement Act (85 Stat. 688), as amended (89 Stat. 1145). This delegation includes, among others, specific authority to waive administration of all existing timber sale contracts and special use permits as set forth in Section 14(g) of the Act.

The authority herein delegated may not be redelegated.

Effective date: This delegation takes effect on November 5, 1976.

Dated: October 29, 1976.

JOHN R. MCGUIRE,
Chief, Forest Service.

[FR Doc.76-32551 Filed 11-4-76;8:45 am]

Office of the Secretary

CITIZENS ADVISORY COMMITTEE ON CIVIL RIGHTS

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776), notice is hereby given that a public meeting of the USDA Citizens Advisory Committee on Civil Rights will be held on November 16-17, 1976, Hotel Burlington, 1120 Vermont Avenue, N.W., Washington, D.C. 20005. The meeting will convene at 9:00 a.m. on each day and adjourn at 12:00 noon on November 17, 1976. The meeting is open to the public.

The purpose of the meeting will be to finalize recommendations to the Secretary relevant to civil rights within the Department of Agriculture.

Further information concerning this meeting may be obtained by contacting the Director, Office of Equal Opportunity, USDA, Washington, D.C. 20250. Interested persons may file written statements with the committee before or after the meeting.

Done at Washington, D.C. this 28th day of October 1976.

JAMES FRAZIER,
Director,
Office of Equal Opportunity.

[FR Doc.76-32637 Filed 11-4-76;8:45 am]

Packers and Stockyards Administration

CALIFORNIA AUCTION & LIQUIDATORS RIVERDALE, CALIFORNIA

Posted Stockyard

On January 4, 1972, a notice was published in the FEDERAL REGISTER (37 FR 47), advising all interested parties that stockyard facility numbers were being assigned to all stockyards posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq). Included in this publication was the name of the Camden Livestock Sales Yard, Laton, California. This stockyard was assigned stockyard facility number CA-133.

The purpose of this notice is to show that the name of the above mentioned stockyard has been changed to California Auction & Liquidators, and that its mailing address has been changed to Riverdale, California. The stockyard now known as California Auction & Liquidators, Riverdale, California, will remain posted as a stockyard within the definition of that term contained in section 302 of the Act (7 U.S.C. 202) and will remain subject to the provisions of the Act. This stockyard will retain the stockyard facility number, CA-133.

Done at Washington, D.C., this 2d day of November 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-32640 Filed 11-4-76;8:45 am]

Rural Electrification Administration

HOOSIER ENERGY DIVISION, INDIANA STATEWIDE RURAL ELECTRIC COOPERATIVE, INC.

Proposed Loan Guarantee

Under the Authority of Pub. L. 93-32 (87 Stat. 65) and in conference with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $715,000,000 to

Hoosier Energy Division, Indiana Statewide Rural Electric Cooperative, Inc., of Bloomington, Indiana. These loan funds will be used to finance a project consisting of two 490 MW coal-fired generating units, antipollution control equipment, and approximately 400 miles of transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Virgil E. Peterson, General Manager, Hoosier Energy Division, Indiana Statewide Rural Electric Cooperative. Inc., P.O. Box 908, Bloomington, Indiana 47401.

In order to be considered, proposals must be submitted on or before December 6, 1976, to Mr. Peterson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, As Hoosier Energy Division, Indiana Statewide Rural Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 27th day of October, 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76–32437 Filed 11–4–76;8:45 am]

PUERTO RICO WATER RESOURCES AUTHORITY, SAN JUAN, PUERTO RICO

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan from the Federal Financing Bank in the approximate amount of $42,464,000 to the Puerto Rico Water Resources Authority of San Juan, Puerto Rico. These loan funds will be used to finance a portion of a project consisting of a 298 MW combined cycle generating unit and associated 230 kV transmission facilities. Included in the loan application are generation funds for environmental improvements to two previously financed REA generating units.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 29 day of October 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76–32562 Filed 11–4–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28262; 21866; Order 76–11–3]

AIR MIDWEST

Order of Clarification and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of November, 1976.

By Order 76–9–165,[1] September 30, 1976, the Board issued a temporary certificate of public convenience and necessity to Air Midwest Inc. (Air Midwest), authorizing it to provide replacement service for Frontier Airlines (Frontier) to and between various points in the states of Kansas and Colorado.

On October 14, 1976, Air Midwest filed a petition for Clarification and Modification of Order 76–9–165 requesting, inter alia, that the Board clarify its intention that Air Midwest, as a certificated carrier, is to be governed by the passenger fare determinations made by the Board in the Domestic Passenger Fare Investigation (DPFI), including the requirements as to joint fares set forth in Phase 4 of that proceeding.[2] Air Midwest points out that, following the initial certification of Air New England, the Board took similar action to require Air New England to abide by all aspects of the DPFI,[3] and assumes that the Board intends for Air Midwest to be subject to the same requirements.

Although the certification proceeding is still in progress and we have issued Air Midwest only a temporary 90-day certificate of public convenience and necessity [4] we have decided to act upon the carrier's request for clarification at this time in view of the fact that Air Midwest will begin scheduled operations under its certificate on November 14, 1976.

Air Midwest is correct in its belief that as a certificated carrier it is to be bound by our determinations in the DPFI. Indeed, we see no logical reason to treat Air Midwest passengers differently from those traveling on other certificated carriers operating within the continental United States. We realize, however, that clarification of our intent is necessary because Air Midwest—not having been certificated at the time—was not named as a party to the DPFI.[5] Therefore, we will expressly require Air Midwest to abide by all aspects of the DPFI applicable to local service airlines and will condition the operation of the carrier's new route authority on adherence to this requirement.

Several of the DPFI requirements can be met unilaterally by Air Midwest. However, Phase 4, which establishes maximum joint fares on interline connecting flights, obviously affects other carriers as well. We tentatively conclude that the addition of Air Midwest to the class of carriers now governed by Phase 4 would bring significant benefits to its passengers without causing any appreciable economic harm to any other airline. We will therefore proceed by show cause order to afford interested persons an opportunity to comment on our tentative decision to treat Air Midwest like an existing local-service carrier for purposes of Phase 4.

Accordingly, we tentatively find and conclude that Air Midwest, on the one hand, and all carriers certificated to perform scheduled services within the 48 contiguous states,[6] on the other, shall enter into and maintain all joint fares which are required presently or hereafter by the Board in Phase 4 of the Domestic Passenger-Fare Investigation, Docket 21866–4, as if Air Midwest were a local service carrier party to that proceeding, and shall divide all joint fares by such methods as are or may be prescribed by the Board.[7]

Interested persons will be given ten days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish

[1] Air Midwest has been issued a 3-month temporary certificate. However, as indicated in the order, the Board intends to issue Air Midwest a 7-year certificate at the conclusion of the proceeding.

[2] In its petition, Air Midwest also requests that the Board modify its certificate in order to insure Air Midwest's eligibility for government equipment loan-guarantee assistance pursuant to the Government Guarantee of Equipment Loans Act of 1957. This matter will be considered in a subsequent order.

[3] New England Service Investigation Orders 74–10–101 (October 18, 1974), 74–10–102 (October 18, 1974).

[4] As noted above, however, we intend to grant Air Midwest a seven-year certificate at the conclusion of the proceeding.

[5] Nevertheless, it is quite clear that the scope of the *DPFI* would have covered Air Midwest if the carrier had been a certified operator at the time the investigation was instituted.

[6] Except for Aspen Airways and Wright Air Lines.

[7] All the matters concerned in this Show Cause order have been exhaustively litigated in the DPFI and the addition of one new carrier—Air Midwest—works no appreciable change in any of the conclusions reached in that proceeding. Similarly, in light of the evidentiary record compiled in the DPFI, we find no need for further hearings solely directed to the addition of Air Midwest.

through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. Air Midwest shall be bound by the Board's present and future determinations in the Domestic Passenger-Fare Investigation, Docket 21866, as if the carrier were a local service carrier party to that proceeding;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein;

3. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all certificated air carriers a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; and

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-32629 Filed 11-4-76;8:45 am]

[Docket 23584]

TACA INTERNATIONAL AIRLINES, INC. FOREIGN PERMIT AMENDMENT (EL SALVADOR)

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on November 8, 1976 (41 FR 44882, October 13, 1976), is postponed and will be held on December 15, 1976, at 10 a.m. (Local time) in Room 1003, Hearing Room C, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., October 29, 1976.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc.76-32628 Filed 11-4-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Regulatory Review), Office of the Secretary.

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

[FR Doc.76-32528 Filed 11-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Regulatory Review, Office of the Secretary.

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

[FR Doc.76-32529 Filed 11-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regulatory Review, Office of the Secretary.

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

[FR Doc.76-32472 Filed 11-4-76;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Public Affairs, Office of the Secretary.

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

[FR Doc.76-32473 Filed 11-4-76;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Public Affairs Director, Office of the Secretary.

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

[FR Doc.76-32474 Filed 11-4-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENTS CONCERNING SILVER AND RED HAKE, HERRING, MACKEREL, LONG AND SHORT-FINNED SQUID AND OTHER FINFISH

Meetings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190); and Section 10(a)(2) of the Federal Advisory Committee Act; notice is hereby given of public meetings to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, draft preliminary plans for the management of the following fishery management units:

(a) Silver and red hake.
(b) Herring.
(c) Mackerel.
(d) Long and short-finned squid.
(e) Other finfish.

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

The meetings will be held at the following locations, dates and times:

Atlantic City, NJ	Monday, 7 to 10 p.m.—Nov. 22, 1976	Atlantic City Commission chambers.
Hampton, VA	Tuesday, 7 to 10 p.m.—Nov. 23, 1976	Student cafeteria, Thomas Nelson Community College.
Brunswick, ME	Monday, 7 to 10 p.m.—Nov. 29, 1976	Recreation hall.
Boston, MA	Tuesday, 7:30 to 10 p.m.—Nov. 30, 1976	New England Aquarium, Atlantic Ave.
Centereach, NY	Thursday, 7 to 10 p.m.—Dec. 2, 1976	Holiday Inn.

Limited numbers of the DEIS are available from the Director, Northeast Regional Office, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Written comments on the DEIS from interested members of the public may be submitted, not later than December 20, 1976, to the above address.

Dated: November 2, 1976.

SIDNEY R. GALLER,
Deputy Assistant Secretary for Environmental Affairs.

[FR Doc.76-32616 Filed 11-4-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings as it deems necessary.

This meeting of the Council will be held November 22 and 23, 1976, 10 a.m.-5 p.m.; and 9 a.m.-3 p.m. respectively, at the John F. Kennedy Federal Building, Room 2003A, Boston, Massachusetts.

PROPOSED AGENDA

1. Coordination of Council activities with ongoing State/Federal programs.
2. Identify those fisheries for which the New England Council will prepare plans.
3. Review progress being made on Governing International Fishery Agreements.
4. Review progress on boundary negotiations with Canada, etc.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: November 2, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-32708 Filed 11-4-76;8:45 am]

OCEAN WONDERWORLD

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Ocean Wonderworld, The New Steel Pier, Boardwalk at Virginia Avenue, Atlantic City, New Jersey 08401, to take two (2) Atlantic bottlenosed dolphins (Tursiops truncatus) for public display.

The requested animals will be captured by a professional collector off the coast of Panama City, Florida, with a seine net.

The animals will be shipped to the New Jersey facility by commercial aircraft and truck.

The dolphins will be maintained in a pool 50 feet long by 20 feet wide by 10 feet deep. A holding pool is available which is 17 feet long by 16 feet wide and 8 feet deep. Ocean water is pumped through a purifying system and sand filters with a turn over rate of 154,000 gallons every two hours.

The dolphins are desired to provide recreational and educational benefits to the 310,000 visitors that visit the facility annually. The facility is operated for profit. Members of the staff have from 3 to 7 years experience working with marine mammals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before December 6, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate.

The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

HARVEY M. HUTCHINGS,
Acting Assistant, Director for Fisheries Management, National Marine Fisheries Service.

NOVEMBER 1, 1976.

[FR Doc.76-32626 Filed 11-4-76;8:45 am]

PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Pacific Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of California, Oregon and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council meeting will be held Monday and Tuesday, November 22 and 23, 1976, in the Comstock Room of the Sheraton Palace, Market and New Montgomery Streets, San Francisco, California. The meeting will convene at 8:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Organization, including headquarters office location, Council staff, fishery advisory panels, and the Scientific and Statistical Committee.
2. Council practices and procedures, including budget.
3. Consideration of development of management plants, including salmon and anchovies.
4. Consideration of a fishery development program for underutilized species.
5. Review of the Draft Environmental Impact Statement which includes proposed preliminary management plans for sablefish of the Bering Sea and Northeastern Pacific Ocean, the trawl fishery of Washington, Oregon and California, and the troll salmon fishery of the Pacific Coast.
6. Review of the applications for foreign fishing permits, if any.

This meeting is open to the public and there will be seating for approximately 125 public members available on a first

come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. John T. Gharrett, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1700 Westlake Avenue, North Seattle, Washington 98109.

on or about November 15, 1976.

At the discretion of the Council, interested members of the public may be permited to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. John T. Gharrett at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: November 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-32792 Filed 11-4-76;8:45 am]

PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Pacific Regional Fishery Management Council's Scientific and Statistical Committee established in accordance with section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Committee shall assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

The Scientific and Statistical Committee will meet in the Golden Gate Room of the Sheraton Palace, Market and New Montgomery Streets, San Francisco, California from 8:00 a.m. to 5:00 p.m. on Monday and Tuesday, November 22 and 23, 1976.

Proposed Agenda:

1. Organization of the Committee.
2. Consideration of development of fishery management plans, including but not limited to salmon and anchovies.
3. Consideration of a fishery development program for underutilized species.

This meeting is open to the public and there will be seating for approximately 40 members of the public on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. John T. Gharrett, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 1700 Westlake Avenue, North, Seattle, Washington 98109.

on or about November 15, 1976.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing Mr. John T. Gharrett at the above address. To receive due consideration and facilitate inclusion of these comments in the record on the meeting, typewritten statements should be received within 10 days after the close of the committee meeting.

Dated: November 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-32793 Filed 11-4-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

IMPORTS FROM THE REPUBLIC OF KOREA

Lifting Prohibition on Certain Man-Made Fiber Sweaters

NOVEMBER 4, 1976.

On October 18, 1976, the Chairman of the Committee for the Implementation of Textile Agreements (CITA) instructed the Commissioner of Customs to prohibit entry into the United States of further man-made fiber textile products in Category 221 (sweaters and cardigans), produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975 and extended through September 30, 1976, which were in excess of levels of restraint established under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1976, as amended, between the Governments of the United States and the Republic of Korea.

The Committee for the Implementation of Textile Agreements imposed this prohibition on the basis of its authority, including the delegated authority contained in Section 204 of the Agricultural Act of 1956, as amended, and as delegated to CITA pursuant to Executive Order 11651 of March 3, 1972, to deny entry to shipments exported above levels authorized in bilateral agreements with exporting countries, following a determination that the Government of the Republic of Korea had authorized shipments in Category 221 in excess of the agreement level. The Government of the Republic of Korea has now provided an assurance to the United States Government that further shipments in Category 221 during the period of eleven months, beginning November 1, 1976 and extending through September 30, 1977, will be spaced in accordance with seasonal factors and has informed the United States Government of its planned shipment schedule. The CITA has, accordingly, decided to remove the prohibition upon further entry of shipments in Category 221 from the Republic of Korea during the period beginning October 1, 1975 and extending through September 30, 1976. A letter of instruction to this effect to the Commissioner of Customs cancelling the previous directive is published below. This action will be effective on November 5, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

November 4, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On October 15, 1976, you were directed to prohibit, effective on October 18, 1976, entry for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 221, produced or manufactured in the Republic of Korea which had been exported to the United States during the period which began on October 1, 1975 and extended through September 30, 1976.

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the aforesaid directive of October 15, 1976 is hereby cancelled, effective November 5, 1976.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-32825 Filed 11-4-76;10:28 am]

ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILES

Products From the Republic of Korea, Effective October 1, 1976

Correction

In FR Doc. 76-29089, appearing at page 43440 in the issue for Friday, October 1, 1976 and corrected at page 44452 in the

issue for Friday, October 8, 1976, the levels of restraint should read as set forth below:

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 29, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 1, 1976 and for the twelve-month period extending through September 30, 1977, entry into the United States for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26, 22/23, part of 26, 39, 42/43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt., and 63; wool textile products in Categories 104, 116/117, 120, 121 and 124; and man-made fiber textile products in Categories 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
9/10	6,583,024 square yards
18/19/26 (printcloth) 1/	5,235,626 square yards
22/23	3,604,345 square yards
26 (duck) 2/	21,943,401 square yards
39	311,880 dozen pairs
42/43 and part of 62 3/	3,200,000 square yards equivalent
45/46/47	3,186,797 square yards equivalent
48	22,453 dozen
49	51,039 dozen
50/51	192,817 dozen (of which not more than 102,184 dozen shall be in Category 50 and not more than 138,309 dozen shall be in Category 51)
52	70,727 dozen
pt. 62 4/	195,652 pounds
pt. 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380)	1,086,957 pounds
pt. 63 5/	1,086,957 pounds
104	2,200,000 square yards
116/117	470,815 pounds
120	320,448 numbers
121	193,920 numbers
124	1,010,000 numbers
208	18,000,000 square yards (of which not more than 8 million square yards shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036)
210	1,750,000 square yards
218	897,790 dozen
219	4,082,036 dozen
221	2,801,092 dozen
222	1,025,100 dozen
pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143)	41,333 dozen
pt. 224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103)	48,485 dozen
pt. 224 6/	4,358,974 pounds
228	881,517 dozen
229	752,455 dozen
234	3,845,407 dozen
235	1,422,840 dozen
237	155,555 numbers
238	218,013 dozen

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are:
320.—34 326.—34
321.—34 327.—34
322.—34 328.—34

[2] In Category 26 the T.S.U.S.A. Numbers for duck fabric are:
320.—01 through 04,06,08
321.—01 through 04,06,08
322.—01 through 04,06,08
326.—01 through 04,06,08
327.—01 through 04,06,08
328.—01 through 04,06,08

[3] In Category 62, only T.S.U.S.A. Nos.:
380.0027 382.0610
382.0002 382.3904
382.0026 382.6904
382.0605

[4] In Category 62, all T.S.U.S.A. Numbers not listed in Footnote 3.

[5] In Category 63, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.3980 and 382.3380.

[6] In Category 224, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.0402, 380.0420, 280.8103 and 380.8143.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced in the Republic of Korea and exported to the United States prior to October 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1975 through September 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Group I may be exceeded by 10 percent; within Group II, by 7 percent; and within Group III, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010), as amended on December 31, 1975 (40 F.R. 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Addition

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the commodity listed below was published in the FEDERAL REGISTER on May 7, 1976 (41 FR 18911).

After consideration of all the relevant data presented, the Committee has de-

termined that the commodity listed below is suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Class 7330

Tongs, Food Serving (SH),
7330-00-616-0997,
7330-00-616-0998,
7330-00-616-1000.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-32609 Filed 11-4-76;8:45 am]

PROCUREMENT LIST 1976

Deletion

Notice of Proposed Deletions from Procurement List 1976, November 25, 1975 (40 FR 54742) were published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38553).

Pursuant to the above notice the following service is deleted from the Procurement List:

SIC 7349

Janitorial/Custodial Services, Boise Interagency Fire Center, Boise, Idaho.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-32610 Filed 11-4-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE SYSTEM SUBPOENAS

Extension of Time To File Responses to Staff Answer and Postponement of Some Return Dates

In this notice the Consumer Product Safety Commission announces its extension of the deadline for filing replies to the Commission staff's Answer to Motions to Quash Subpoenas; its postponement of the return dates for certain subpoenas; and its authorization to the Commission staff to discuss with the subpoenaed parties the sufficiency of proposed submissions in response to the subpoenas.

On September 3, 16, and 30 and October 7, 1976, the Commission issued subpoenas to 59 manufacturers, pursuant to section 27(b)(3) and (4) and section 5 of the Consumer Product Safety Act (15 U.S.C. 2076(b)(3), (4); 15 U.S.C. 2054), compelling the submission of data regarding aluminum wire systems. The subpoenas were issued to assist the staff in its investigation of the subject of whether aluminum wire systems used in 15 and 20 ampere branch circuit residential construction present a substantial product hazard as defined in the Consumer Product Safety Act (15 U.S.C. 2064(a)(2)). Motions to Quash or Limit the Subpoenas accompanied by memoranda, were filed by 28 manufacturers at various times after September 18, 1976. The Commission staff filed an Answer to the Motions on October 22, 1976 and copies were mailed to the 59 manufacturers on that date. On October 28, 1976, after receiving Motions to Reply to the Staff's Answer from six manufacturers, the Commission voted to permit replies and established the deadline of November 10, 1976 for the submission of such replies. The Commission staff began telephonic notifications to the manufacturers on November 1, 1976.

It has come to the Commission's attention that as of November 2, 1976, a number of manufacturers had not yet received the Staff's October 22 answer due to an unexplained delay in mail deliveries. In addition, some manufacturers had not yet been notified of the Commission's October 28 vote and of the establishment of the November 10 deadline for the submission of replies.

The Commission believes that in fairness to all subpoenaed manufacturers, the November 10 deadline for submission of replies to the staff's answer should be extended. Accordingly, the Commission has determined to extend that deadline until November 17, 1976. In addition, because the initial subpoena return dates fall before the extended deadline for replies, and before ultimate Commission action on the motions, the answer and the replies, the Commission has also determined to postpone the return dates on subpoenas returnable between November 15, 1976 and November 24, 1976 for a period of approximately two weeks. A revised schedule of return dates for all 59 subpoenas appears at the end of this Notice.

A number of manufacturers indicated in their motions that particular features of their individual recordkeeping systems may not be compatible with the specifications enumerated in the subpoenas, and several have suggested alternative specifications which may produce information comparable to that originally requested by staff. Staff has also suggested in its Answer that it would have no objection to many of the modifications offered as alternatives by manufacturers. Pending resolution of the outstanding motions by manufacturers, the Commission has determined that the manufacturers are under a continuing duty to respond to the subpoenas as issued and further authorizes the staff of the Bureau of Compliance to discuss the responsiveness and adequacy of potential submissions with the manufacturers. If agreements are reached between the staff and manufacturers concerning responses to the subpoenas, the Commission will consider such agreements for acceptance and approval.

SCHEDULE OF REVISED RETURN DATES

A. H. Massey, January 19, 1977.
Alden Products, January 20, 1977.
Alflex Corporation, November 30, 1976.
American Flexible Conduit, December 2, 1976.
American Insulated Wire Co., November 29, 1976.
American Metal Moulding, December 1, 1976.
Anaconda Wire and Cable, December 3, 1976.
Appleton Electric, January 21, 1977.
Arrow-Hart, December 13, 1976.
Bell Electric Co., January 14, 1977.
Bryant Electric Co., (The), December 14, 1976.
Cadillac Cable Corporation, January 12, 1977.
Capital Wire & Cable, November 30, 1976.
Cerro Wire & Cable, December 1, 1976.
Circle F Industries, Inc., December 15, 1976.
Coleman Cable & Wire, December 6, 1976.
Collyer Insulated Wire, December 7, 1976.
Colonial Wire & Cable, December 9, 1976.
Columbia Cable & Electric Corp., December 10, 1976.
Crescent Wire & Cable, February 15, 1977.
Crouse-Hinds, January 24, 1977.
Cyprus Wire & Cable, December 2, 1976.
Daniel Woodhead Co., February 11, 1977.
Eagle Electric Manufacturing Co., December 16, 1976.
Edco International, January 17, 1977.
Essex International, Inc., December 3, 1976.
Ettco Wire & Cable Corporation, December 28, 1976.
F. W. Woolworth Co., February 3, 1977.
Gaynor Electric Co., February 9, 1977.
G. C. Murphy Co., February 4, 1977.
General Cable Corporation, December 29, 1976.
General Electric Co., Wire & Cable Division, December 6, 1976.
General Electric Co., Wiring Device Business Department, December 17, 1976.
Hatfield Wire & Cable, December 7, 1976.
Hubbell Wiring Device Division, January 18, 1977.
John I. Paulding, January 25, 1977.
Kaiser Aluminum & Chemical Sales, December 8, 1976.
Kalas Manufacturing, Inc., December 30, 1976.
Killark Electrical Manufacturing, January 26, 1977.
Kondu Corporation, January 27, 1977.
Leviton Manufacturing Co., December 20, 1976.
M. H. Rhodes, Inc., January 28, 1977.
Narragansett Wire Company, January 3, 1977.
Pass & Seymour, December 21, 1976.
Phelps Dodge Industries, January 4, 1977.
Plastic Wire & Cable Co., January 5, 1977.
Plastold Corporation, January 6, 1977.
Pyle-National, (The), February 1, 1977.
Reynolds Metals Company, December 9, 1976.
Rhode Island Insulated Wire, January 7, 1977.
Rodale Manufacturing Co., December 22, 1976.
Russell & Stoll Electric, January 31, 1977.
Sears Roebuck, February 7, 1977.
Sierra Electric Division, December 27, 1976.
Slater Electric Company, December 23, 1976.
Southwire Company, December 10, 1976.
Systems Wire & Cable, January 10, 1977.
Triangle Conduit & Cable Co., January 11, 1977.
Western Auto Supply, February 8, 1977.

Dated: November 4, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-32824 Filed 11-4-76;10:25 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmen-

tal Quality from October 25 through October 29, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 20, 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.

FOREST SERVICE

Draft

Warm Springs-Medicine Tree Unit, Bitterroot National Forest, Ravalli County, Mont., October 28: Proposed is a revised land use plan for the Warm Springs-Medicine Tree Planning Unit, Sula Ranger District, Bitterroot National Forest. The 48,985–acre unit is divided into 6 management units of similar resource potential, use patterns, and management limitations. Adverse effects include air pollution due to site preparation, soil erosion as a result of road construction, and loss of 6,660 acres of roadless area to other uses. (206 pages), (ELR Order No. 61564.)

Markagunt Plateau Unit Plan, Dixie National Forest, Iron, Kane, and Garfield Counties, Utah, October 28: The statement proposes a management plan for the 400,000-acre Markagunt Plateau Unit in Dixie National Forest, Utah. The planning unit is divided into 5 management areas which are assigned such designations as wilderness areas, recreational areas, and roadless areas. Minor adverse effects will be stream sedimentation and short periods of air pollution. (210 pages), (ELR Order No. 61558.)

Kettle Range Unit Plan, Colville National Forest, Ferry County, Wash., October 28: Proposed is an intensive land useplan for the 232,550-acre Kettle Range Planning Unit in Colville National Forest, Washington. The plan makes the following land use allocations: 110,870 acres to general management, 64,900 acres to modified management, 7,410 acres to key management, 33,650 acres to scenic recreation, 14,470 acres to highway scenic management, 1,140 acres to Special or Natural use, and 110 acres to intensive recreation. Adverse impacts include removal of the vegetative cover and disturbance of the soil on 2,070 acres due to road construction, degradation of air and water, and destruction of old growth stand habitat. (170 pages), (ELR Order No. 61563.)

Final

Clear Creek Planning Unit, Gifford Pinchot National Forest, Skamania County, Wash., October 26: The statement proposes a land-use plan for the 76,520-acre Clear Creek Planning Unit, Gifford Pinchot National Forest, Washington. The plan designates acreage for the following uses: 3,020 acres for Shark Rock Scenic Area, 2 areas totaling 6,360 acres for unroaded status, 9,620 acres for Key Wildlife Habitat, and 30 acres for recreation sites. Timber harvest is planned for one 1,720-acre unroaded area to facilitate removal of dead and dying trees. Additional people using the various facilities will cause some minor physical and biological impacts. (245 pages), Comments made by: USDA COE, DOI, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 61557.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Clay County Sta., 2 60MW Combustion Turbines, Clay County, S. Dak., Proposed is the installation of 120 MW of Combustion turbine capacity to be installed at a new 160-acre site in Clay County, South Dakota. The units will fire No. 2 distillate fuel oil, and a low-profile switchyard and 2,000 fuel oil single steel pole, double circuit 155 kV transmission line will be required for tie-in with the existing transmission network. (240 pages), Comments made by: DOT, COE, USDA, EPA, State and local agencies, and concerned citizens. (ELR Order No. 61566.)

SOIL CONSERVATION SERVICE

Final

Rock Creek (Cass) Watershed, Cass and Carroll Counties, Ind., October 26: Proposed is a project for watershed protection, flood prevention, and drainage in Cass and Carroll Counties, Indiana. Project measures remaining to be installed include approximately 1.3 miles of channel work for flood prevention, 1.6 miles for drainage, and 11.1 miles for drainage and flood prevention. Conservation land treatment measures will be provided on 12,860 acres to adequately treat the land for use within its capabilities. The installation of some land treatment measures will result in damage to the vegetation on the unconstructed side of the channel. (150 pages). Comments made by: HEW, DOT, EPA, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61554.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Carroll-Boone Regional Water System, Carroll and Boone Counties, Ark., October 26: Proposed is the construction of a water supply system for Carroll and Boone Counties. The system will include a raw water intake structure on Beaver Reservoir, a pump station, a water treatment plant, several storage tanks, and about 69 miles of water transmission line. If implemented, the plan will result in changes in existing land use patterns in the area, loss of some trees and vegetation, increased erosion and siltation, loss of some wildlife and its habitat, and increases in traffic, noise level, air emissions, industrial and domestic wastes, and congestion. (310 pages). Comments made by: COE, USDA, DOT, EPA, DOT, HEW, and AHP. (ELR Order No. 61548.)

NAT'L OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Atlantic Mackerel, PMP, October 29: This statement sets forth a Preliminary Management Plan (PMP) for the harvesting of Atlantic Mackerel (Scomber Scombrus) of the N.E. United States in order to permit proper negotiations with foreign nationals and to ensure a smooth turnover of management strategies from those of the International Convention for the Northwest Atlantic Fisheries to those of the newly created New England Council. The PMP proposes a 1977 total allowable catch of 55,000 metric tons for USA and foreign fleets. USA commercial fleet capacity is estimated at 5,000 metric tons, leaving 50,000 metric tons to be apportioned among foreign countries. (96 pages), (ELR Order No. 61569.)

Red Hake and Silver Hake, PMP, October 29: This statement outlines a Preliminary Management Plan (PMP) for the harvesting of red and silver hake off the Northeastern United States. The PMP makes recommendations for each subdivision with regard to optimum yield, USA fleet capacity and foreign surplus. Allocations have also been proposed for foreign nationals. Time, area, and gear limitations have also been placed on foreign nationals to minimize conflict with USA Offshore lobster pot fishery, and to minimize by-catch. (122 pages). (ELR Order No. 61570.)

Atlantic Herring, PMP, October 29: This statement sets forth a preliminary management plan for the harvesting of Atlantic herring (Clupea harengus harengus). The proposed total allowable catch for 1977 would be 40,000 metric tons; the USA would be allowed 18,000 of the total 33,000 tons from Georges Bank and 6,000 of the 7,000 tons from the Gulf of Maine. The action will result in reduction of the Div. 5 stock to a level below that deemed advisable by ICNAF scientists. (107 pages), (ELR Order No. 61571.)

"Other Finfish", PMP, October 29: This statement proposes a Preliminary Management Plan (PMP) for "Other Finfish" harvesting off the N.E. United States in order to permit proper negotiations with foreign nationals and to ensure a smooth turnover of management strategies from those of the International Convention for the Northwest Atlantic Fisheries and those of the newly created New England Fisheries Management Council. The PMP proposes a 1977 TAC of 150,000 tons. Of this total, 78,000 tons will be disignated for harvest by USA harvesting capacity, and 72,000 tons will be allocated to foreign nationals. (90 pages), (ELR Order No. 61572.)

Short- and Long-Finned Squid, PMP, October 29: This statement sets forth a Preliminary Fishery Management Plan (PMP) for the harvesting of short-finned squid (Illex) and long-finned squid (Loligo) off the N.E. U.S. in order to permit proper negotiations with foreign nationals and to ensure smooth turnover of management strategies from those of the International Convention for the Northwest Atlantic Fisheries to those of the New England Council. Proposed fishing areas and seasons are discussed, as well as allocation between species and fisheries. (104 pages), (ELR Order No. 61573.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P. Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202–693–6795.

Draft

Ohio R. (438 to 981) Sand & Gravel Dredge, permit, October 29: Proposed is the issuance of a Department of the Army permit to allow continued commercial sand and gravel dredging from the Ohio River within the jurisdiction of the Louisville District, U.S. Army Corps of Engineers, Ohio River mile 438.0 to 981.0. The project will cause the removal or displacement of benthic fauna and the existing habitat of fish species will be altered. The dredging will cause localized increases in suspended material. (Louisville District) (235 pages). (ELR Order No. 61567.)

South Fork, Zumbro R. Watershed, Olmstead County, Minn., October 26: The state-

ment proposes measures to solve the water resource problems of the South Fork Zumbro River Watershed, in Rochester, Minnesota. The plan includes 9.3 miles of channel modifications, supplemental levees, continued flood insurance and floodplain regulation, 20 miles of recreational trails, 4 new parks, 7 upstream reservoirs, and land treatment measures proposed by the SCS. The 2 proposals would accommodate a 1% chance of flood. Adverse effects include the relocation of several homes and businesses, and the reduction of fish and wildlife habitat. (St. Paul District) (82 pages). (ELR Order No. 61553.)

Final

Metlakatla Small Boat Harbor No. 2, several counties in Alaska, October 27: The proposed project consists of construction two rubble-mound breakwaters and of dredging an entrance and access channel for an additional small boat harbor at the town of Metlakatla. The new harbor will provide additional moorage facilities for resident and transient fishing vessels, other commercial vessels, and pleasure craft, and will provide adequate protection from damaging waves generated by winds from the west and the north. Adverse effects include disruption of 23 acres of marine habitat, disturbance of terrestial habitat at quarry sites, and a long term decrease in water quality at the harbor site. (Alaska District) (98 pages). Comments made by: DOC, HUD, DOI, DOT, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61561.)

Calumet Harbor and River, Dredging and Disposal, several counties in Illinois, Indiana, October 26: The statement concerns the periodic maintenance dredging of Calumet Harbor and River and disposal of spoil in an existing disposal site in Lake Calumet. The project is located on the southwest shore of Lake Michigan within the Chicago city limits. Adverse impacts include the disturbance of bottom sediments, the removal of pollution-tolerant organisms, and the possibility of pollutants entering the Calumet River as the disposal site reaches capacity. (Chicago District) (200 pages). Comments made by: USDA, DOC, EPA, HUD, DOI, USCG, and AHP. (ELR Order No. 61555.)

FY 77 Navigation Season Demonstration Program, several counties in New York, Ohio, Michigan, October 27: The FY 77 Navigation Season Extension Demonstration Program is part of an ongoing investigation to demonstrate the practicability of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. This statement presents various methods to be investigated and associated studies to be undertaken during the FY 77 Demonstration Program. No significant adverse effects are anticipated. (Detroit District) (200 pages). Comments made by: DOI, EPA, USCG, USDA, DOT, AHP, DOC, ERDA, and State and local agencies, and concerned citizens. (ELR Order No. 61562.)

Waterway Connecting Pamlico Sound-Beaufort Harbor, Carteret County, N.C., October 26: The proposed action involves maintenance dredging of the channel connecting Pamlico Sound and Beaufort Harbor, North Carolina, and the associated side channels. Dredging activities are to be accomplished by hydraulic pipeline dredge and consist of maintaining the existing projects to their authorized dimensions. Dredged materials are to be confined in highland diked disposal areas, confined in underwater diked areas, or used to create disposal uplands. Terrestrial life will be buried in the upland diked disposal areas and primarily benthic organisms covered in overboard disposal sites. (Wilmington District) (409 pages). Comments made by: EPA, DOI, HEW, USCG, DOT, USDA, and State and local agencies, and concerned citizens. (ELR Order No. 61549.)

Cape Fear R. Maintenance, Wilmington—Fayetteville, several County, N.C., October 26: Proposed is the continued maintenance of the existing navigation program from Wilmington to Fayetteville, N.C. Maintenance consists of removal of shoals from the waterway and operation of the 3 locks and dams. Removal of shoals and disposal of dredged material has adverse effects on the water and associated life forms. (Wilmington District) (233 pages). Comments made by: EPA, USDA, DOC, DOI, USCG, HEW, and State and local agencies, and concerned citizens. (ELR Order No. 61551.)

Supplement

Colleton R., Dredging & Pier Construction (S–3), Beaufort County, S.C., October 29: This statement supplements a final EIS filed with CEQ in December, 1974, and pertains to changes in plans of Chicago Bridge and Iron Co. for proposed use of certain lands at Victoria Bluff, Beaufort County, South Carolina. The changes are basically in 2 areas: a less restrictive definition of the products to be manufactured and a deletion of 308 acres from the buffer area indicated in the original permit. Negative impacts include clearing of pine-hardwood timber and the loss of habitat for small birds and mammals. (Charleston District) (67 pages). (ELR Order No. 61574.)

The following statement was included in the CEQ FEDERAL REGISTER listing of September 24, 1976. It has been subsequently drawn to the attention of the Council that an error was made in the abstract concerning the project description. The corrected description is as follows:

Tensas Basin, Flood Control, Concordia County, La., September 17: Proposed is the construction of a 4,000 cubic-foot-per-second pumping plant in the Red River Backwater levee, which protects the Tensas-Cocodrie area in Concordia Parish, Louisiana. The project also includes a new gravity floodgate, 6 miles of inlet and outlet channels from Bayou Cocodrie to Black River, water control structures, and public access facilities. Negative effects include induced clearing of bottomland hardwood forest, reduction of fish and wildlife habitat, and construction impacts. (Vicksburg District) (170 pages). Comments made by: EPA, USDA, HEW, AHP, FPC, and State and local agencies, and concerned groups and citizens. (ELR Order No. 61372.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant, Secretary of the Navy (Installations and Logistics), Washington D.C. 20350, 202–692–3227.

Final

NAS Miramar, Land Acquisition, AICUZ, several counties in California, October 26: Proposed is the acquisition of 66 vacant parcels of land covering 1,660 acres as part of the Airfield Installation Compatible Use Zone (AICUZ) program at NAS Miramar, San Diego, California. The project will prevent development of noise sensitive uses and impose occupancy density limitations on the properties. Highest and best use of parcels in the area will be altered, changing from primarily residential and commercial uses to low density industrial uses. Implementation of the program will protect citizens from the adverse impacts of NAS Miramar operations. (123 pages). Comments made by: AHP, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61547.)

ENVIRONMENTAL PROTECTION AGENCY

For EPA Contact, please refer to the Environmental Protection Agency notice in this issue of the FEDERAL REGISTER.

Draft

Shell Chemical Co. Polypropylene Plant—Permit. St. Charles County La., October 26: The proposed action is the issuance of a new source NPDES permit for discharge of plant effluent and stormwater from Shell Chemical Co.'s proposed polypropylene plant into Bayou Trepaguier, Louisiana. The proposed plant, located on a 64-acre site in Narco/Goodhope, will produce polypropylene pellets. An average of 680 gallons/minute of clarified water from the Mississippi River will be used for cooling tower makeup, utility water, and wash systems for railroad cars and the polypropylene blender silos. Plant operation will result in emissions of hydrocarbons, carbon monoxide, nitrogen oxides, and particulates. (201 pages). (ELR Order No. 61550.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202 275–4791.

Supplement

United Gas Pipeline Co., Curtailment (S–1). October 29: This statement supplements a final EIS filed with CEQ in May, 1976. The administrative action rises from the court implementation of a four priority permanent curtailment plan and a newly proposed plan submitted by United Gas Pipeline Co. Adverse effects resulting from curtailment include increased use of coal and oil with associated impacts, and increased air pollutants in the form of sulfur dioxide and particulates. (42 pages). (ELR Order No. 61568.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6308.

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

Jackson Co., Ark., Breckenridge-Union Water System, Jackson County, Ark., October 27: Proposed is the construction of the Breckenridge-Union Water System to provide potable water facilities for So. Jackson County, Arkansas. Plans call for the construction of a new well and water treatment plant, two 75,000-gallon elevated storage tanks, and water distribution lines parallel to and across Hwys. 14, 17, 22 and 224. The communities of Erwin, Auvergne, Shoffner, Weldon, Island, and Tupelo will be served by the system. Adverse effects include soil movement, loss of crop land, and changes in characteristic landscape. (20 pages). (ELR Order No. 61560.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF OUTDOOR RECREATION

Final

Penobscot Wild and Scenic River, Penobscot, Piscataquis, and Somerset Counties, Maine, October 26: The statement concerns the recommendation that 295 miles of the East and West Branches of the Penobscot River be included in the National Wild and Scenic Rivers System. Land protection would be primarily accomplished through cooperative efforts of the State of Maine and private land owners in the area. No significant adverse impacts are expected. (172 pages). Comments made by: USDA, DOC, AHP, COE, HUD, DOI, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 61556.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 220-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Interstate-76, Interstate-25—Wadsworth Boulevard/Interstate-70 Junction, Adams, Denver, and Jefferson Counties, Colo., October 26: Proposed is the construction of a segment of I-76 to connect with I-70 at Wadsworth Boulevard in Denver, Colorado. The 5.6-mile project consists of a 6-lane bypass freeway, extending from I-25 westward to the junction of Wadsworth Boulevard and I-70. Completion of the highway requires acquisition of approximately 338 acres of land and will result ie the displacement of 110 residents or businesses. (Region 8) (116 pages). (ELR Order No. 61552.)

Final

Interstate 82/182, Prosser, Washington to Interstate 80N, Ore., Washington County, Ore., October 26: Proposed is the construction of a new Interstate highway facility (I-82) from Prosser, Washington to I-80N in Northern Oregon. The project includes a spur facility (I-182) connecting I-82 to the Tri-Cities (Pasco-Kennewick-Richland) and S.R. 395 in Washington. The 10.5-mile highway segment in Umatilla Co., Oregon will be the final link of I-82 connecting I-90 in Washington with I-80N in Oregon. Negative impacts will be displacement of 90 homes, 63 mobile homes, 124 apartment units, 1 motel, and 2 businesses; and loss of 120 acres of wildlife habitat. A 4(f) statement is included for McNary Wildlife Park, Umatilla, Oregon. (518 pages). Comments made by: COE, USDA, EPA, DOI, HUD, USCG, and State and local agencies, and concerned citizens. (ELR Order No. 61559.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Supplement

Metro A Route, Shady Grove—Rockville (S-1). Montgomery County, Md., October 28: This supplemental EIS documents the environmental impacts of proposed changes to the Washington Metro System in Washington, D.C. Proposed changes to Metro Route A include the following: elimination of the terminal station and service and inspection facility at Rockville, Md.; extension of Route A to Shady Grove, Md. (2.66 miles of at-grade track); and addition of terminal station and service and inspection yard at Shady Grove, Maryland. Adverse effects include transformation from a rural to an industrial landscape which will involve clearing, regrading, building, and paving on a 70-acre tract in the headwaters of Crabbs Branch. (375 pages). (ELR Order No. 61565.)

The following statement was incorrectly listed in the CEQ Federal Register entry of September 24, 1976 as a Draft. This EIS is in fact a *Final* statement and the project is as described below.

Interstate 20—Interstate 820 Junction, SW of Fort Worth, Parker, and Tarrant Counties, Tex., September 13: Proposed is the construction of I-820 from I-30 west of Forth Worth south to the junction with I-20, and of I-20 from the junction with I-820 east to existing I-20 just west of Helen Street in Fort Worth. The 6- and 8-lane, 7.95-mile project will include controlled access features, grade separations and continuous frontage roads. Negative impacts will include some displacement of wildlife and substantial loss of grazing lands to highway use. (Region 6) (250 pages). Comments made by: COE, DOT, HEW, USDA, EPA, DOI, and State and local agencies, and concerned citizens. (ELR Order No. 61350.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-32704 Filed 11-4-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

COMMUNITY COLLEGE OF THE AIR FORCE (CCAF) ADVISORY COMMITTEE

Meeting

OCTOBER 29, 1976.

The Community College of the Air Force Advisory Committee is scheduled to meet at 3:30 p.m., December 7, 1976, in Room 118 of the Howard Johnson's Motor Lodge, 2650 Jefferson Davis Highway, Arlington, Virginia.

The meeting is open to the public. Agenda items include: Affiliation and Association Procedures, Relationship with Professional Organizations, New Computer System, and the U.S. Office of Education (USOE) Site Review Team Report.

For further information, contact Lieutenant Colonel Wade R. Kilbride at (512) 652-4510.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-32631 Filed 11-4-76;8:45 am]

Office of the Secretary

U.S. MISSION TO NATO, APO NEW YORK 09667; DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 2 December 1976 in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), Section 552(b), Title 5 USC.

The agenda topics will be: Status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 extension 5727, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO Headquarters, NATO, 1110 Brussels, Belgium.

Dated: November 2, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-32622 Filed 11-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 639-8; OPP-33000/473]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW, Washington, DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755–9315
PM 21 & 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, & 17—202/426–9425
PM 23—202/755–1397
PM 25—202/426–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before January 4, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before December 6, 1976.

Dated: October 28, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/473)

EPA Reg. No. 10163–63. Gowan Co., PO Box 5695, Yuma AZ 85364. PROKIL METHOMYL 2 DUST. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 10226–2. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. MALATHION DUST NO. 5. Active Ingredients: Malathion: (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 10292–EE. Venus Laboratories, Inc., 855 Lively Blvd., Wood Dale IL 60191. FOGGING INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 10807–LT. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. AERO CHEM PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 11273–13. Sandoz, Inc., PO Box 1489, Homestead FL 33030. ZORIAL 80WP COTTON HERBICIDE. Active Ingredients: norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 11407–R. Paul Koss Supply Co., 332 E. Grand Ave., So. San Francisco CA 94080. SKOW'R POW'R. Active Ingredients: Hydrogen Chloride 23.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.4%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 11703–2. Mada Medical Products, Inc., 98 Somerset St., Garfield NJ 07026. MADA SONIC. Active Ingredients: Octyl trimethyl ammonium bromide 6.0%; n-alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chloride 1.5%; n-alkyl (C12 68%, C14 32%) dimethyl ethyl benzyl ammonium chloride 1.5%; Tetrasodium salt of ethylene diamine tetraacetic acid 5.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12353–U. Omega Chemical Co., 6935 W. 62nd St., Chicago IL 60638. SAN–202. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 33% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 12488–A. Norman Chemical Co., 1630 Carroll Ave., St. Paul MN 55104. 15HC. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12600–R. Coastal Janitor Supply, Inc., 2904 Hyde Park St., Sarasota FL 33580. SANI-CLOR. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13097–R. All-Pool Service & Supply, Inc., 1311 W. Fairbanks Ave., Orlando FL 32804. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13186–T. Maintenance Research Lab., 11940 Grand River, Detroit MI 48204. VIKING TRU QUAT 20. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) diemthyl benzyl ammonium chlorides 10.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 13604–L. The State Manufacturing Co., Inc., 3545 E. 7th St., Cleveland OH 44105. MELTA-COTA ALGAE & SLIME TREATMENT 960. Active Ingredients: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (as in fatty acids derived from coconut oil) Imidazo-linium Chloride 50%; Isopropyl Alcohol 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 13604–A. The State Manufacturing Co., Inc. MELTA-COTA ALGAE & SLIME TREATMENT 961. Active Ingredients: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (as in fatty acids derived from coconut oil) Imidazo-linium Chloride 10%; Isopropyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15678–R. Ace Pump Co., 8451 49th St. N., Pinellas Pk. FL 33565. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 18146–O. Excel Chemical Co., 107 Watts St., Jacksonville FL 32204. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 20439–R. Rohan's Swimming Pool Center, Inc., Route 17M (Below Middleton), Box 166 New Hampton NY 10958. OUROHAN LIQUI-CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 29776–G. Richards-Ewing Chemical Co. PO Box 467, Sioux Falls SD 57101. EWING'S SUPER CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM 34

[FR Doc.76-32511 Filed 11-4-76;8:45 am]

[FRL 640–1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1976 and August 31, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the

nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed and not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments reference herein may be obtained by writing the Public Information Reference Unit, (PM 213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: October 14, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between, Aug. 1, 1976, and Aug. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
DS-COE-A32067-MS	Dam and lake construction, Tallahala Creek Lake, Pascagoula River, Jasper County, Miss.	LO-2	E
DS-COE-A32498-MS	Gulfport Harbor channel deepening, navigation, Harrison County, Miss.	ER-2	E
DS-COE-A34128-OO	Richard B. Russell Dam and Lake, water quality supplement, Georgia and South Carolina.	LO-2	E
DS-COE-A36444-GU	Harbors and rivers, flood control, Agana River, Guam	LO-2	J
D-COE-C36022-NY	Ellicott Creek, flood control project, Erie County, N.Y.	LO-2	C
D-COE-D35010-VA	Maintenance dredging of the channel and turning basin harbor at Quinby Creek, Accomack County, Va.	ER-2	D
D-COE-D39002-OO	Atlantic Intracoastal Waterway bridges, Virginia and North Carolina.	ER-2	D
D-COE-E07002-KY	Permit application, East Bend Station, units 1 and 2, Ohio River, mile 511, Cincinnati Gas & Electric Co., Boone County, Ky.	ER-2	E
D-COE-E36039-OO	Operation and maintenance of navigation project, Savannah River below Augusta, Savannah Bluff lock and dam, Georgia and South Carolina.	ER-2	E
D-COE-F32040-OH	Transfer terminal fleeting facility, Ohio River mile 308, Chesapeake, Lawrence County, Ohio.	ER-2	F
D-COE-F32042-00	Fiscal year 1977 navigation season extension demonstration program, New York, Ohio, and Michigan.	LO-2	F
D-COE-F32043-MI	Manistee Harbor navigation structures, Manistee County, Mich.	LO-1	F
D-COE-F36041-OH	Muskingum River Basin flood control system, Holmes and Richland Counties, Ohio.	LO-2	F
D-COE-G36049-TX	Cooper Lake and channels, Tex.	ER-2	G
D-COE-K32011-CA	Oakland Outer Harbor, deep draft improvements, Oakland, Alameda County, Calif.	LO-2	J
D-COE-K35008-CA	San Francisco Bay to Stockton, widening and deepening ship channels in Suisan Bay, San Joaquin Delta and Sacremanto Delta, Contra Costa, Solano and San Joaquin Counties, Calif.	ER-2	J
	DEPARTMENT OF AGRICULTURE		
D-AFS-D61004-VA	Massanutten unit plan, George Washington National Forest, Va. (FS-R8-DES-ADM-76-20).	LO-1	D
D-AFS-G65016-NM	Gallina planning unit, Santa Fe National Forest, Rio Arriba and Sandoval Counties, N. Mex.	LO-1	G
D-AFS-J65047-MT	Ophir-Dog MacDonald Pass planning unit, Helena National Forest, Mont.	ER-2	I
D-AFS-J65049-MT	Magpie Conference planning units, Helena National Forest, Mont.	ER-2	I
D-AFS-K65015-CA	Land use plan, Vocanoville planning unit, Eldorado National Forest, Eldorado County, Calif. (USDA-FS-R5-DES-ADM-76-5).	ER-2	J
D-AFS-L61077-00	Oregon Butte Planning unit, Umatilla National Forest, Asotin, Columbia, Garfield, and Walla Walla Counties, Washington and Union, Umatilla, and Wallowa Counties, Oreg.	LO-1	K
D-REA-E05007-KY	Spurlock Station, unit No. 2, 500 MW and associated transmission, Maysville, Mason County, Ky.	ER-2	E
D-REA-J08005-WY	Wyodak to Antelope, 230 kV transmission line, Campbell and Converse Counties, Wyo.	LO-1	I
D-SCS-D36019-WV	Dunloup Creek watershed, Fayette and Raleigh Counties, W. Va.	LO-2	D

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF COMMERCE		
D-EDA-G28004-AR	Carroll-Boone regional water supply system, Carroll and Boone Counties, Ark.	LO-1	G
	DEPARTMENT OF INTERIOR		
D-BIA-G01001-NM	Navajo-Exxon uranium exploration, mining and milling proposal, Navajo Indian Reservation, San Juan County, N. Mex.	ER-2	G
D-BLM-A02100-00	Proposed 1976 oil and gas lease sale No. 44, Outer Continental Shelf (OCS), Gulf of Mexico, La. and Tex.	ER-2	A
D-BLM-L65020-ID	Proposed domestic livestock grazing program, Challis planning unit, Custer County, Idaho.	ER-2	K
	DEPARTMENT OF TRANSPORTATION		
DS-DOT-A41169-MD	MD-235, air quality analysis, St. Marys County, Md.	LO-1	D
D-FAA-D51005-VA	Mecklenburg-Brunswick Regional Airport, South Hill, Va.	LO-2	D
D-FAA-F51008-WI	Proposed development, Oneida Airport, Rhinelander, Wis.	LO-2	F
D-FAA-J51001-UT	Vernal Airport, Vernal, Uintah County, Utah	LO-1	I
D-FHW-C40024-NJ	I-78, Plainfield Ave. to Balustrol Rd., Springfield, Somset, and Union Counties, N.J.	ER-2	C
D-FHW-C40025-NJ	I-295, I-195, NJ-29 and NJ-129 complex, Mercer and Burlington Counties, N.J.	EU-2	C
D-FHW-D40036-VA	I-95 relocation, Petersburg to I-64 interchange, Va.	ER-2	D
DS-FHW-E40062-GA	Dalonega connector, GA-400 from GA-306, Dawson, Forsyth, and Lumpkin Counties, Ga. (FHWA-GA-EIA-76-01-D).	LO-2	E
D-FHW-F40051-WI	Park and Lake freeways, Milwaukee St. to Layton Ave., Milwaukee County, Wis.	LO-2	F
D-FHW-F40065-MN	I-35-E, south junction I-35 to junction MN-110, Dakota County, Minn.	LO-2	F
D-FHW-F40066-OH	OH-5 southerly to OH-82, Trumbull County, Ohio	EU-2	F
D-FHW-F40067-IL	Eldorado and Jasper St. intersection, U.S. 36, Macon County, Ill.	ER-1	F
DS-FHW-H40038-NB	Center St. and Mercy Rd. intersection, Omaha, Douglas County, Nebr.	L-02	H
D-FHW-H40056-KS	Inner loop, U.S. 54 to I-35W, Seneca Ave. to 9th St. Wichita, Sedgwick County, Kans. (FHWA-KS-EIS-76-01-D).	ER-2	H
D-FHW-H40058-KS	U.S. 54, Topeka to Lulu Ave., Wichita, Sedgwick County, Kans. (FHWA-KS-EIS-76-02-D).	ER-2	H
D-FHW-H40059-KS	U.S. 54, Hoover Rd. to Topeka Ave. Wichita, Sedgwick County, Kans. (FHWA-KS-EIS-76-03-D).	ER-2	H
D-FHW-K40041-CA	Saticoy St. extension, Woodman Ave. to Van Nuys, Los Angeles County, Calif.	LO-1	J
D-FHW-K40042-NV	U.S. 95 and I-515, east leg, U.S. 95 expressway and I-515 spur, Las Vegas, Clark County, Nev. (FHWA-NV-EIS-76-03-D).	ER-2	J
D-FHW-K40043-AZ	I-10, 91st Ave. to junction I-10, Tempe, Scottsdale, Phoenix, Maricopa County, Ariz.	ER-2	J
D-FHW-L40036-ID	Chinden-Broadway corridor, Boise, Ada County, Idaho.	ER-2	K
D-FHW-L40037-OR	Coast highway U.S. 101, south unit, Astoria, Camp Rilea section, Clatsop County, Oreg.	LO-2	K
	FEDERAL ENERGY ADMINISTRATION		
D-FEA-A03064-00	Strategic petroleum reserve (DES-76-2)	3	A
D-FEA-B07004-NH	Schiller Generating Station, coal conversion, Rockingham County, Portsmouth, N.H. (docket No. OFU-050-051).	ER-2	B
	FEDERAL POWER COMMISSION		
D-FPC-K03003-CA	Pacific-Indonesia project, construction and operation of LNG terminal, Oxnard and Los Angeles, Ventura and Los Angeles Counties, Calif.	ER-3	J
	FEDERAL TRADE COMMISSION		
RD-FTC-A86101-00	Trade regulation rule, 16 CFR 422, the failure to post minimum octane numbers on gasoline dispensing pumps constitutes an unfair trade practice and unfair method of competition.	ER-2	A
	GENERAL SERVICES ADMINISTRATION		
D-GSA-J99000-CO	Fuel conversion, central steam plant, Denver Federal Center, Jefferson County, Colo.	LO-2	I
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-D85008-PA	Wimmerson planned unit development, Westmorland County, Pa.	ER-2	D
DS-HUD-E28010-TN	Dekalb County plastic potable water line, Smithville, Tenn. (CDBG).	LO-2	E
D-HUD-E28013-AL	Opelika wastewater facilities program (CDBG), Long St. area, Lee County, Ala.	LO-2	E
D-HUD-E28014-AL	Pickens County water system (CDBG), Ala.	LO-2	E
D-HUD-E28015-TN	Macon County Highway 10 rural water line, Lafayette, Trousdale County, Tenn. (CDBG).	LO-1	E
D-HUD-F85011-IL	Summerlakes, Continental Homes, Inc., Warrenville, Du Page County, Ill.	LO-2	F
D-HUD-G38001-TX	Southwest Mesquite drainage project, Mesquite, Tex. (CDBG).	LO-2	G
	NUCLEAR REGULATORY COMMISSION		
DS-AEC-A06148-WA	Skagit nuclear power project, units 1 and 2, Puget Sound Power & Light Co., et al., docket Nos. 50-522 and 50-523, Skagit County, Wash. (NUREG-0089).	LO-1	K
RD-NRC-A00121-00	Exemption from licensing requirements for personnel neutron dosimeters that contain natural thorium (docket No. PRM 40-19) (NUREG-0074).	LO-2	A
D-NRC-F06002-WI	Tyrone Energy Park unit 1, Northern States Power Co. of Minnesota and Wisconsin, docket No. STN 50-484, Dunn County, Wis. (NUREG-0071).	LO-1	F

APPENDIX II—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between, Aug. 1, 1976, and Aug. 31, 1976*

90-000—Sp. 29—Fol. 1036—Nov. 3—(41-30)—Morgan 65369

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-A30063-GA	Beach erosion control and hurricane protection, Jekyll Island, Ga.	EPA's concerns were adequately addressed in the final EIS. However, because of the high productivity of the area, EPA believes that an alternate site should be found for a borrow pit to nourish the Jekyll Island beach.	E
F-COE-A32506-IL	Kaskaskia navigation project, operation and maintenance, Illinois.	EPA continues to have environmental reservations on the proposed project. EPA believes the EIS should contain provisions to minimize adverse effects, particularly with regard to water quality.	F
F-COE-E32002-SC	Charleston Harbor deepening project, Charleston Harbor and Shipyard River, Charleston County, S.C.	Generally, EPA's comments were addressed in the final EIS. However, EPA recommended additional information be provided including a pilot test to reflect the new ocean dumping criteria.	E
F-COE-E35009-FL	West Coast Inland Waterway, Caloosahatchee River to Anclote River, maintenance dredging, Pinellas County, Fla.	EPA's concerns were adequately addressed in the final EIS. EPA believes that each of the spoil sites should be recoordinated with the State and Federal conservation agencies before being used.	E
F-COE-E35025-GA	Military ocean terminal, Kings Bay, Cumberland Sound, dredging of turning basin and entrance channel, Camden County, Ga.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes a better alinement of the 600-acre disposal site could be accomplished so as to exclude more viable marsh.	E
F-COE-F30008-MI	White Lake Harbor, mitigation of shore damage, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F32024-MI	Maintenance and dredging, Federal navigation channel, Lake St. Clair, Mich.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes special care should be given to implementing operational methods and control measures to prevent the potential release of mercury to the water environment.	F
F-COE-F32025-MI	Grand Haven Harbor, maintenance dredging, Federal navigation channels, Michigan.	EPA's concerns were generally adequately addressed in the final EIS.	F
F-COE-F32032-MI	Rouge River, maintenance dredging, Federal navigation channels, Michigan.	EPA's concerns were adequately addressed in the final EIS. However, due to the highly polluted nature of the Rouge River EPA recommended special procedures and precautions be adopted to minimize water quality degradation. EPA is particularly concerned about hopper overflows and associated suspension and dispersal of toxic pollutants. EPA also indicated its concern on the effluent from the Grassy Island confined disposal facility (CDF). Since the CDF is nearing its capacity there is less settling time. Current ongoing EPA-COE monitoring should be able to detect if additional treatment of the effluent is necessary.	F

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F35008-OH	Toledo Harbor, maintenance dredging of polluted sediments, Lucas County, Ohio.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to have concerns regarding the quality of weir effluent and the water quality effects of the hopper overflow. A water quality monitoring program and remedial measures will be required to correct the occurrence of any water quality problems during dredging and disposal activities due to the physical and chemical characteristics of the harbor sediments.	F
Department of Agriculture:			
F-DOA-A36211-OH	Short Creek watershed, Harrison and Jefferson Counties, Ohio.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested additional information on the bottom sediments and the local value of the type I wetlands to be altered.	F
F-REA-J07002-WY	Construction of 1500 MW, power station, units 1, 2, and 3, Missouri Basin power project, Wheatland, Wyo. (USDA-REA-ADM-72-2-F).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to question the high power demand growth rates projected by the applicants for this project and believes these rates need further substantiation. In addition, EPA's review of the application for a PSD permit for the proposed project will indicate whether the PSD increments will be exceeded.	
F-SCS-C36014-PR	Anasco River watershed, Puerto Rico.	EPA's concerns were adequately addressed in the final EIS.	C
F-SCS-H36025-KS	Wet Walnut Creek watershed, Wet Walnut Creek Basin, Kans.	EPA considered the final EIS to be unresponsive to several of EPA's concerns expressed in the draft EIS and in subsequent meetings. The primary concerns are the failure of SCS to establish a water quality monitoring program, discuss methods of disposing of solid wastes, and compare the environmental effects of several alternative schemes.	H
Department of Interior:			
F-IBR-A32537-CA	Santa Margarita project, construction of Fallbrook Dam and Reservoir, San Diego County, Calif.	EPA's review of the final EIS indicated the statement to be unresponsive to concerns EPA expressed on the draft EIS. Therefore, EPA cannot realistically determine the environmental impacts of the proposed project.	J
F-NPS-A61165-MT	Master plan, Glacier National Park, Mont.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended the NPS consider the overall impacts of stream channel work which has occurred in Glacier Park in the past. Furthermore, EPA recommended the NPS consider the preparation of separate EIS's on the possible airport construction and the North Fork Rd. projects, if proposed.	
F-NPS-J61005-ND	Knife River Indian villages, national historic site, N. Dak.	EPA's concerns were adequately addressed in the final EIS.	I
FS-NPS-J61013-CO	Black Canyon of the Gunnison National Monument, Colo.	EPA did not have an opportunity to review the draft or final EIS on the proposed project. However, EPA had no objections to the addition of 2,400 acres to the original wilderness proposal as identified in the supplement to the final EIS.	
Department of Transportation:			
F-DOT-A41201-PA	East St. Valley Expressway I-279, LR1021 sec. 3, Pittsburgh, Allegheny County, Pa. (FHW-PA-EIS-72-02-F).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA believes that further consideration of air quality is warranted prior to the proposed project being opened to traffic. Furthermore, EPA believes the importance of identifying, quantifying, and mitigating project level impacts is emphasized by EPA's recent Determination of inconsistency between transportation planning and air quality objectives in the Pittsburgh area, as well as the recent call for revision of the area's transportation control plan within the State implementation plan.	D
F-FAA-D51003-VA	New Kent County, Airport, Quinton, Va.	EPA's concerns were adequately addressed in the final EIS.	D
FS-FHW-C40011-NY	I-88, Schenectady to I-90, Schoharie County, N.Y.	do	C
F-FHW-C40016-NJ	I-676, Atlantic Ave. to vicinity of Morgan Blvd., Camden County, N.J.	Generally, EPA's concerns were adequately addressed in the final EIS. EPA suggested appropriate measures to be taken to limit construction noise.	C
F-FHW-K40008-CA	CA-252, San Diego County, Calif. (FHWA-EIS-74-11-F).	EPA continues to have environmental reservations with the proposed project due to its air quality impacts. EPA is particularly concerned with this region as it continues to violate Federal ambient air quality standards for oxidants, particulates, and carbon monoxide.	J
Federal Power Commission:			
F-FPC-C03001-NJ	LNG import terminal at Raccon Island, Gloucester County, N.J.	EPA continues to have environmental reservations on the proposed project. EPA believes the risk analysis presented in the final EIS is inadequate and misleading. Based on information presented in the final EIS and from EPA's safety analysis, EPA recommended that the FPC consider an alternative site.	C

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
F-HUD-D85003-MD.	London Woods development, Prince Georges County, Md. (title X)	EPA's concerns were adequately addressed in the final EIS. EPA did request that HUD encourage the developer to plan in order to minimize potential impacts from a proposed arterial that might be built in the area. Additionally, EPA requested notification if endangered species were discovered during ongoing project development.	D
F-HUD-D85005-MD.	Pinehurst Harbor, Anne Arundel County, MD.	EPA's concerns were adequately addressed in the final EIS. Furthermore, EPA noted that the appropriate noise abatement measures should be taken if residential units would be built in the normally unacceptable zone.	D
F-HUD-D85006-MD.	Crofton Village subdivision, Ann Arundel County, MD.	EPA's concerns were adequately addressed in the final EIS.	D
F-HUD-F36040-IL.	Park Forest, Richton Park stormwater retaining basin, Illinois.	EPA's concerns were adequately addressed in the final EIS. EPA suggested that efforts continue to be coordinated with the U.S. Fish and Wildlife Service to both select a location for the basin that will minimize wetland impacts and to develop mitigation measures.	F
National Institute of Health:			
F-NIH-D81006-MD.	Revised master plan, Bethesda Reservation, National Institute of Health, Bethesda, MD.	EPA's concerns were adequately considered in the final EIS. Furthermore, EPA requested receipt of future environmental evaluation of facility's designs as they evolve in ongoing plan development in order to review localized air quality effects in detail.	D
Nuclear Regulatory Commission:			
F-AEC-A09029-00.	Routine use of plutonium-powered cardiac pacemakers (NUREG-0060).	EPA's concerns were adequately addressed in the final EIS. However, EPA did indicate the importance to include the dose equivalent to the lung and other tissues.	A
F-NRC-C06002-NY.	Sterling power project, nuclear unit 1, Rochester Gas & Electric Corp., docket No. STN 50-485, Cayuga County, N.Y. (NUREG-0075).	EPA has serious environmental reservations regarding the aquatic effects of the proposed once-through cooling system, and has recommended that closed-cycle cooling be required.	C

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between August 1, 1976 and August 31, 1976*

Identifying No.	Title	Source of review
Corp of Engineers:		
F-COE-A36178-PA	Wyoming Valley flood control, Susquehanna River, Pa	D
F-COE-E30003-NC	Fort Fisher and vicinity, New Hanover County, N.C.	E
F-COE-E32006-GA	Harbor modification, Savannah Harbor, Ga	E
F-COE-E35011-00	Tennessee River and tributaries, open channel maintenance, Kentucky, Tennessee, Mississippi, Alabama, and Georgia.	E
F-COE-E35012-00	Cumberland River, operation, maintenance, and management of water resources development projects, Tennessee and Kentucky.	E
F-COE-G32016-AR	Channel maintenance, White River, Monroe County, Ark	G
F-COE-H34011-KS	Pomona Lake, operation and maintenance, Osage County, Ark	H
F-COE-L02003-WA	Port of Grays Harbor, Kaiser Steel Corp., Hoquiam, Grays Harbor County, Wash.	K
Department of Agriculture:		
F-AFS-E61005-SC	Changa unit plan, Sumter National Forest, Oconee County, S. C	E
F-AFS-G65010-TX	Conroe unit, Sam Houston National Forest, Tex	G
F-AFS-G65011-LA	Management, North Catahoula South Winn unit, Kisatchie National Forest, Grant and Winn Parishes, La.	G
F-AFS-J28001-UT	Long Park Reservoir, Ashley National Forest, Daggett County, Utah (USDA-FS-DES (ADM)-R4-76-14).	I
F-AFS-J65038-UT	Land use plan, Salina planning unit, Fishlake National Forest, Utah	I
F-AFS-K65009-AZ	Santa Catalina planning unit, Coronado National Forest, Pima and Pinal Counties, Ariz.	J
F-AFS-K65011-AZ	Prescott National Forest, timber management program, Prescott, Ariz. (FS-DES-ADM-R3-76-03).	J
F-AFS-L61054-AK	Long Island management plan, Tongass National Forest, Alaska	K
F-AFS-L61063-WA	Travel on trails and areas, Olympic National Forest, Chalam, Jefferson, and Mason Counties, Wash. (USDA-FS-R6-FES-ADM-76-4).	K
F-SCS-C36018-NY	Flint Creek watershed, Ontario, Steuben, and Yates Counties, N.Y.	C
Department of Commerce:		
F-EDA-L89001-WA	Yakima central business district improvements, Yakima County, Wash.	K
F-MAR-A52085-00	Chemical waste incineration ship project	A
Department of Interior:		
F-NPS-A61167-TX	Big Thicket National Biological Preserve, Tex	G
F-NPS-J61007-UT	Proposed Zion master plan, Zion National Park, Utah	I
Department of Transportation:		
F-FHW-A41646-MT	Columbia Falls, east and west, Montana	I
F-FHW-A41886-KS	Project 24-105 U 072-1(16), U.S. 24, Kansas City, Wyandotte County, Kans.	H
F-FHW-A42249-TX	I-20, Dallas and Kaufman Counties, Tex	G

Identifying No.	Title	Source of review
F-FHW-B40002-MA	MA-52, Auburn to Oxford, Worchester County, Mass. (FHW-MASS-EIS-74-02-F).	B
F-FHW-B40008-MA	I-495 and MA-140, Taunton, Foxborough, Norton, Mansfield, Raynam, and Bridgewater, Mass.	B
F-FHW-G40047-TX	Loop 309, Harrison County, Tex	G
F-FHW-H40039-IA	IA-9, Allamakee County, Iowa	H
NF-FHW-H40054-IA	IA-44, Harlan, Shelby County, Iowa	H
Federal Power Commission:		
FS-FPC-A03045-NY	Eascogas, Distrigas, LNG permit Staten Island, N.Y.	C
Energy Research and Development Administration:		
F-ERD-A00113-00	Light water breeder reactor program (LWBR)	A
General Services Administration:		
F-GSA-K81003-CA	Federal Youth Center, Ventura County, Calif.	J
Department of Housing and Urban Development:		
F-HUD-E28012-AL	Chase area water system, Huntsville, Madison County, Ala (CDBG).	E
F-HUD-E28015-TN	Highway 108 rural water line construction, Macon County, Tenn. (CDBG).	E
F-HUD-G85012-TX	Princeton Park subdivision, Dallas County, Tex	G
Interstate Commerce Commission:		
F-ICC-J53000-00	Chicago and Northwestern Transportation Co., Railroad Abandonment between Wren, Iowa, and Iroquis, S. Dak.	I
Tennessee Valley Authority:		
F-TVA-E08007-TN	Volunteer 500 kV substation and transmission line connections, Knox County, Tenn.	E

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Aug. 1, 1976, and Aug. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Interior:			
A-BLM-A02099-AK	Oil and gas lease sale No. 51, Outer Bristol Basin, Outer Continental Shelf off the western coast of Alaska.	EPA urged the Department of Interior, in considering the possibility of an OCS sale in this area, to proceed very carefully in tract selection in order to avoid hazarding the important salmon fishery and abundant bird life in the area. EPA noted that the severity of the risk to those wildlife resources of OCS development in Bristol Bay has caused the State of Alaska to decline to lease tracts in territorial waters.	A
R-BLM-A99113-00	43 CFR pt. 6220, viable coral communities located on the Outer Continental Shelf (OCS), management.	EPA comments on the proposed rule raised 2 issues: (1) Activities in the vicinity of the reef which may cause damage should also be subject to regulations in order to protect the reef. (2) The present definition of "associated reef organisms" and "viable coral reef" should be revised to clearly indicate which of the species associated with a reef are subject to a permit.	A
R-IGS-A02101-00	Gulf of Mexico, revision of OCS order No. 6, completion and workover operations.	EPA recommended that USGS issue guidelines and directives to regulate the conduct of multiple operations on platforms, in order to insure that only such multiple operations which are safe and compatible are allowed.	A
R-SFW-A99112-00	50 CFR pt. 17, endangered and threatened wildlife and plants, proposed endangered status for some 1,700 U.S. vascular plant taxa.	EPA fully supports the SFW efforts but questioned the procedural aspect of listing such a large number of plant taxa without the associated determination of critical habitat.	A
R-SFW-A99115-00	50 CFR pts. 17, 13, general permit procedures and endangered and threatened wildlife and plants.	EPA registered a clarification of the relationship between sec. 7 of the Endangered Species Act and the proposed similarity of appearance provisions in sec. 17.50 of the act.	A
Nuclear Regulatory Commission):			
R-NRC-A09046-00	10 CFR pts. 2 and 50, licensing of production and utilization facilities, early site reviews and limited work authorizations.	EPA's review noted the importance of and need for the proposed NRC regulatory guide 4.Z; a NRC staff report on implementing early site approvals; and an updated WASH-1355 (i.e., environmental design guidance for utilities). Further, EPA urged that NRC consider mandating the "construction permit option" (with its early public hearings) rather than allowing the "preapplication option" (where no early public hearings are required). Also, EPA indicated that utilities should be required to provide early indication of ultimate site capacity plans. EPA concluded that measures to provide for early site identification analyses will ultimately lead to improved environmental protection.	A

APPENDIX VI.—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-32512 Filed 11-4-76;8:45 am]

[FRL 640-3]

GUIDELINES FOR STATE AND AREAWIDE WATER QUALITY MANAGEMENT PROGRAM DEVELOPMENT

Availability for Public Review and Comment

On November 28, 1975, the Environmental Protection Agency published regulations in the FEDERAL REGISTER, 40 FR 55334–55349, concerning Policies and Procedures for the State Continuing Planning Process and Preparation of Water Quality Management Plans, 40 CFR Parts 130 and 131. To assist State and areawide agencies in developing and implementing their water quality management programs in conformance with these regulations, the Environmental Protection Agency has prepared Guidelines for State and Areawide Water Quality Management Program Development.

The Environmental Protection Agency hereby gives notice that the Guidelines for State and Areawide Water Quality Management Program Development are available for interim use and public review and comment. Because of its length, the document is not printed here, but is summarized below. Copies of the document are available from:

Water Planning Division (WH-554), 401 M Street SW., Washington, D.C. 20460.

The Guidelines have been distributed for State and Areawide Water Quality Management Agency review and comment. Because of the immediate need for guidance on implementing the requirements of Parts 130 and 131, this guidance is issued for interim use.

Interested parties and government agencies are encouraged to submit written comments on the Guidelines to the Water Planning Division. All such submissions received on or before January 4, 1977 will be given due consideration in the development of the final guideline document. All comments received will be available for public inspection during business hours at the office noted above.

SUMMARY

The Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, set as a national goal that "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983" (section 101(a)(2)). In keeping with this goal, section 208 mandates the development of State and areawide water quality management programs to implement abatement measures for all sources of pollution, and section 303(e) mandates the development of plans for meeting water quality standards.

The regulations (40 CFR Parts 130 and 131) were promulgated in accordance with the order of the court in Natural Resources Defense Council, et. al. v. Train, et. al. (D.C. D.C. 396 F Supp. 1386). These regulations consolidate the statutory requirements of sections 208 and 303(e) regarding water quality management planning and implementation into a single Statewide process. The Guidelines for State and Areawide Water Quality Management Program Development are supplemental to the regulations.

The Guidelines discuss the following subject areas: Continuing Planning Process development and approval; State Water Quality Management Plan Development; public participation; water quality standards policy; land use considerations; nonpoint and point source considerations; management responsibilities and institutional arrangements; financial arrangements and cost assessment considerations; techniques for coordination; environmental, social, and economic impact assessment; and plan selection.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

NOVEMBER 1, 1976.

[FR Doc.76-32510 Filed 11-4-76;8:45 am]

[FRL 640-7]

SHELL CHEMICAL COMPANY POLYPROPYLENE PLANT

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Shell Chemical Company Polypropylene Plant, Norco/Goodhope, Louisiana.

The proposed action is the issuance of a new source NPDES permit for discharge of plant effluent and stormwater from Shell Chemical Company's proposed polypropylene plant into Bayou Trepagnier. Section 511(c)(1) of the Federal Water Pollution Control Act as amended requires that NEPA apply to the issuance of a permit under section 402 of the FWPCA for the discharge of any pollutant by a new source as defined in section 306 of the Act.

The DEIS was transmitted to the Council on Environmental Quality (CEQ) on October 27, 1976. In accordance with CEQ's notice of availability, comments are due on December 20, 1976. Copies of the DEIS are available for review and comments from: Mr. Clinton B. Spotts, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270 (telephone 214 749-1236).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VI Library, 1201 Elm Street, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Units, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the DEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: November 2, 1976.

PETER L. COOK,
Acting Director, Office of Federal Activities.

[FR Doc.76-32801 Filed 11-4-76;9:09 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. #215]

HEIZER CORP.

Receipt of Application for Permission to Acquire Control of

NOVEMBER 2, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Heizer Corporation, Chicago, Illinois, for approval of acquisition of control of Buckeye Savings Association, Forest Park, Ohio, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of all the stock of Buckeye Savings Association for cash and long term notes from Heizer Corporation. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 6, 1976.

RONALD A. SNIDER,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.76-32641 Filed 11-4-76;8:45 am]

FEDERAL MARITIME COMMISSION

JOHNSON SEANSTAR SERVICE AGREEMENT

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, 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 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 November 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:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 9973-3, among Blue Star Line Ltd., East Asiatic Company, Ltd. and Rederiatiebolaget Nordstjernan (Johnson Line) extends the term of the Johnson Scanstar Combined Service through December 31, 1981, and restates the existing agreement as amended. By Order of the Federal Maritime Commission.

Dated: November 2, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-32627 Filed 11-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Project Nos. 82, 2146]

ALABAMA POWER CO.

Change In Land Rights

OCTOBER 27, 1976.

Alabama Power Company, Licensee for Mitchell Project No. 82 and Coosa River Project No. 2146, filed on March 31, 1976, and supplemented on May 11, and

July 14, 1976, an application requesting Commission authorization to permit Coosa and Chilton Counties, Alabama, to construct a bridge on and over project lands and waters of Projects Nos. 82 and 2146.

The proposed bridge would replace a car ferry that currently serves as the only means of crossing the upper reaches of the Mitchell Reservoir of Project No. 82. The bridge would be located approximately 0.75 mile downstream from the Lay Dam Development of Project No. 2146 on the Coosa River. As proposed, the Licensee would grant an easement over an 80-foot-wide, 2.84-acre parcel of project land to Chilton County and over an 80-foot-wide, 2.56-acre parcel of project land to Coosa County. Together, the easements to be granted would extend from the project boundary on the east bank of the Coosa River to the project boundary on the west bank of the river. The bridge would be approximately 1150 feet long and 34 feet wide. The approach to the bridge on the west bank in Chilton County would require an easement varying in width from 155 feet to 100 feet located within the project boundary of Project No. 2146. There would also be a need to construct eight concrete piers on project lands. Four of the piers would be set within cofferdams. At the recommendation of the U.S. Army Corps of Engineers, the bridge piers would be constructed and spaced to allow for a nine-foot-deep, 150-foot-wide navigation channel at the proposed lock site at the upstream Lay Dam.

Construction of the bridge at the site proposed would eliminate the need for a car ferry and would increase traffic in the project area. A one-day traffic count made by Chilton County from 6 a.m. to 10 p.m. showed 68 vehicles using the ferry. The construction of the bridge would also have a positive effect on the social and economic development of the rural areas in both Chilton and Coosa Counties by providing safer and more reliable transportation; the ferry crossing cannot operate during extreme weather conditions due to safety reasons.

The U.S. Coast Guard granted a bridge permit to the State of Alabama on June 10, 1975. The State of Alabama, Water Quality Improvement Commission, granted a Water Quality Certificate for the construction of the bridge on March 20, 1975, pursuant to section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341 (a)(1).

Construction of the bridge would not affect any historical areas, nor would any residential or industrial building be in conflict with the project. Erosion control measures proposed by Coosa and Chilton Counties include setting the Chilton County bridge abutment in rock. All approach slopes would be seeded and mulched.

On June 26, 1973, the Federal Highway Administration issued a negative Environmental Declaration. We have examined the data presented in that report and find that there are no significant adverse environmental impacts that are not adequately considered therein. Further, the construction of the bridge would not affect project recreational resources. For the foregoing reasons, and taking into account particularly the fact that the construction activity would cause only minor and short-term disturbances to the immediate area, we conclude that our authorization of the easements for construction and maintenance of the bridge would not constitute a major Federal action significantly affecting the quality of the human environment, and that, consequently, a detailed impact statement pursuant to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), need not be prepared.

The proposed instruments of conveyance, filed July 14, 1976, as part of the subject application, provide that: (1) use of the premises is reserved to Alabama Power Company, its successors and assigns, to the extent that it is now used in Alabama Power Company's operations as a public utility; (2) use of the premises shall not endanger health, create a nuisance, or otherwise be incompatible with the overall recreational use of contiguous lands of the lessor; (3) where construction is undertaken as a result of this lease, the lessee shall, during and subsequent to such construction and its operation and maintenance, take all necessary precautions to protect and enhance the environmental values of any affected lands and waters; and (4) use of the premises is granted for highway, bridge, or road purposes only.

Public notice of the application was given with October 18, 1976, as the last day for filing protests or petitions to intervene. No protests or petitions to intervene were received. In addition, Licensee has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

At a meeting held on October 20, 1976, the Commission on its own motion received and made a part of the record in this proceeding all pleadings, submittals, and other evidence filed in regard to the application here at issue, and upon consideration of the record,

The Commission finds: (1) The subject application conforms to the Commission's Rules and Regulations.

(2) Construction, operation, and maintenance of the bridge discussed in this order would not be inconsistent with recreational use of the project.

(3) It is appropriate for the purposes of the Federal Power Act and in the public interest that the easements be approved, subject to the conditions hereinafter imposed.

(4) Approval of the application would not be a major Federal action significantly affecting the quality of the human environment.

The Commission orders: (A) Alabama Power Company is hereby authorized to grant the easements discussed in this order, subject to the terms and conditions contained in the agreements by which the easements are to be granted.

(B) Alabama Power Company shall file with the Commission a copy of the executed agreements within 60 days of their execution.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32587 Filed 11-4-76;8:45 am]

[Docket Nos. RP 73-77 (PGA 77-1), et al.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Order Supplementing Order Deferring Action on Proposed Purchased Gas Adjustment Rate Increases and Permitting Intervention

OCTOBER 28, 1976.

Alabama-Tennessee Natural Gas Co., Docket No. RP73-77 (PGA77-1); Arkansas Louisiana Gas Co., Docket Nos. RP74-61 and RP76-10 (PGA77-1); Cities Services Gas Co., Docket No. RP72-142 (PGA77-1); Consolidated Gas Supply Corp., Docket No. RP72-157 (PGA77-1); Eastern Shore Natural Gas Co., Docket No. RP72-134 (PGA77-1); Kansas-Nebraska Natural Gas Co., Docket No. RP72-32 (PGA76-2); Mountain Fuel Resources, Inc., Docket Nos. RP74-14 and RP74-34 (PGA 77-1); National Fuel Gas Supply Corp., Docket No. RP74-100 (PGA77-1); Northern Natural Gas Co., Docket No. RP73-48 (PGA77-1); North Penn Gas Co., Docket No. RP73-8 (PGA 77-1) and (PGA77-2); Raton Natural Gas Co., Docket No. RP73-92 (PGA77-1); Southwest Gas Corp., Docket No. RP72-121 (PGA76-7a); Northwest Pipeline Corp., Docket No. RP72-154 (PGA 76-6a).

In Opinion No. 770, the Commission permitted natural gas pipeline companies to file a one-time special purchased gas adjustment (PGA) filing on or before September 27, 1976, to track increases in purchased gas costs attributable to increased producer rates filed on or before August 26, 1976, such PGA increase to be effective October 27, 1976. The Commission also provided for a surcharge to be added to this adjustment to permit the pipeline to recover cost increases incurred prior to the adjustment date. By subsequent order issued September 22, 1976, the Commission modified Ordering Paragraph (D) of Opinion No. 770 to provide that the surcharge previously permitted be collected over a 12-month period, with a 9% carrying charge accruing for the duration of the surcharge.

By order issued October 21, 1976, the Commission deferred the effectiveness of proposed purchased gas adjustment (PGA) rate increases filed by forty named pipelines seeking to track increased producer costs attributable to Opinion No. 770[1] until December 1, 1976.

[1] National Rates for Jurisdictional Sales of Natural Gas Dedicated to Interstate Commerce on or after January 1, 1973, For the Period January 1, 1975 to December 31, 1976, Docket No. RM75-14, issued July 27, 1976.

Each pipeline was required to refile its PGA adjustment on or before November 10, 1976, to reflect only such producer increases filed on or before November 1, 1976.[2] In a notice issued by the Secretary on October 28, 1976, these filing dates were extended seven calendar days to November 8, 1976, for producer filings and November 17, 1976, for pipeline PGA filings, with the effective date of the PGA filings remaining December 1, 1976.[3]

The thirteen pipelines listed in the caption to this order filed adjustments tracking the effects of producer filings occasioned by Opinion No. 770. With respect to those pipeline companies' filings which track increased purchased gas costs attributable to producer increases,[4] we shall defer the effectiveness of the filings until December 1, 1976, and condition their effctiveness as required by our October 21, 1976 order concerning purchased gas cost adjustment filings under Opinion No. 770 by natural gas pipelines. By the aforementioned notice issued by the Secretary on this day, the filing dates for producers and pipelines in the October 21, 1976 order were extended seven calendar days. With respect to the remaining filings by the captioned companies, which track pipeline increases only, we shall defer their effectiveness until December 1, 1976, subject to the condition that those pipelines file on or about November 17, 1976, revised tariff sheets reflecting the revised rates of their pipeline suppliers which they are tracking.

We note that three of the pipelines[5] have combined the Opinion No. 770 increases together with their regular semi-annual PGA increase filing. Our deferral of action on the combined PGA filing is without prejudice to the filing by those pipelines of revised tariff sheets to reflect costs other than increased producer rates claimed under Opinion No. 770. Moreover, we note that McCulloch Interstate Gas Corporation (McCulloch) and Mountain Fuel Supply Company (Mt. Fuel) filed PGA rate adjustments tracking Opinion No. 770 costs which were accepted effective October 1, 1976, with their regular semi-annual PGA rate filings. Accordingly, we shall require McCulloch and Mt. Fuel to revise their semi-annual PGA increases of October 1, 1976, to give effect to any producer rate changes resulting from the order issued on October 21, 1976, in Docket No. RM75–14, in accordance with the dates set forth in the aforementioned notice issued by the Secretary.

Furthermore, we note that the Public Service Commission of the State of New York (New York) filed a notice of intervention and protest in the proceeding concerning National Fuel Gas Supply Company (National Fuel).

The Commission finds:

(1) Good cause exists to defer the effectiveness of the filed tariff sheets until December 1, 1976, subject to the condition that the respective pipeline companies refile their PGA Adjustments and surcharges on or about November 17, 1976, to reflect any such producer rate increases as were properly filed pursuant to Opinion No. 770, as indicated by producer filings on or before November 8, 1976.

(2) Consolidated, Mt. Fuel Resources, and Kansas-Nebraska should be permitted to file their regular semi-annual PGA rate increases to reflect costs other than increased producer rates claimed under Opinion No. 770.

(3) McCulloch and Mt. Fuel Supply should be required to revise their semi-annual PGA increases of October 1, 1976, to give effect to any producer rate changes resulting from the order issued on October 21, 1976, in Docket No. RM75–14, in accordance with the dates set forth in the aforementioned notice issued by the Secretary on October 28, 1976 in Docket Nos. RP72–110, et al.

The Commission orders:

(A) With respect to companies tracking producer rate increases, the effectiveness of the tariff sheets filed in the captioned proceedings is hereby deferred until December 1, 1976, subject to the condition that the respective pipeline companies refile their PGA adjustments and surcharges on or before November 17, 1976; to reflect only such producer rate increases filed pursuant to Opinion No. 770 as are based on a verified statement that the previous producer filing requires no correction or a corrected filing of a notice of change in rates, both as are required to be filed on or before November 8, 1976.

(B) With respect to those companies solely tracking increases of their pipeline suppliers attributable to Opinion No. 770, the effectiveness of the tariff sheets filed in the captioned proceedings is hereby deferred until December 1, 1976, subject to the condition that the respective pipeline companies refile their PGA adjustments and surcharges on or about November 17, 1976, to reflect the revised rates of the pipeline suppliers which they are tracking.

(C) McCulloch and Mt. Fuel Supply are hereby ordered to revise their semi-annual PGA increases of October 1, 1976, to give effect to any producer rate changes resulting from the order issued on October 21, 1976, in Docket No. RM75–14, in accordance with the dates set forth in the notice issued by the Secretary on October 28, 1976 in Docket Nos. RP72–110, et al.

(D) The foregoing action of the Commission relative to producer filings under Opinion No. 770 does not constitute a grant or denial of any or all of the petitions for rehearing filed by any party concerning that opinion, and is without prejudice to any contention made by any party in its petition or application for rehearing or reconsideration.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32605 Filed 11-4-76;8:45 am]

[Docket Nos. RM75–14, RP72–110 (PGA76–13), et al.]

ALGONQUIN GAS TRANSMISSION COMPANY, ET AL

Extension of Time Regarding National Rates for Natural Gas

OCTOBER 28, 1976.

National Rates for Jurisidictional Sales of Natural Gas Dedicated to Interstate Commerce On or After January 1, 1973, For the Period January 1, 1975, to December 31, 1976.

On October 26, 1976, Placid Oil Compay, Phillips Petroleum Company (Phillips and certain producers[1] filed requests for an extension of time to make filings pursuant to the Commission's order of October 21, 1976, in Docket No. RM75–14. The Interstate Natural Gas Association of America (INGAA) also on October 26, 1976, filed a request for an extension of time for filings required to be made by pipelines under the October 21, 1976, in Docket No. RP72–110, et al., order if an extension is granted for producer filings.

Notice is hereby given that an extension of time is granted to and including November 8, 1976, for filings required to be made by producers. INGAA's request for an extension of time to November 17, 1976, within which pipeline filings shall be made is granted. The December 1, 1976, effective date is unchanged.

By the direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32600 Filed 11-4-76;8:45 am]

[Docket Nos. AR64–2, et al.]

AREA RATE PROCEEDING, ET AL.

Order Amending Order Determining Computation of Refunds

OCTOBER 26, 1976.

On September 3, 1976, the Commission issued an order in the above-entitled proceedings determining the appropriate method of computing refunds upon court remand in *Blanco Oil Company* v. *F.P.C.*, 485 F. 2d 1036 (CADC 1973) and applying the method to other producers with temporary certificates in the Texas Gulf Coast area subject to a refund requirement. The Commission also required the filing of final refund reports, the dis-

[2] Order Deferring Action On Proposed Purchased Gas Adjustment Rate Increases and Permitting Interventions, Docket Nos. RP72–110, et al., Issued October 21, 1976.

[3] Notice of The Secretary, Docket Nos. RP72–110, et al., Issued October 28, 1976.

[4] Mountain Fuel Resources, Inc. (Mt. Fuel Resources), Kansas-Nebraska Natural Gas Company (Kansas-Nebraska), and National Fuel Gas Supply Corporation (National Fuel).

[5] Consolidated Gas Supply Corporation (Consolidated), Mountain Fuel Resources, Inc. (Mt. Fuel Resources), and Kansas-Nebraska National Gas Company (Kansas-Nebraska).

[1] The Rodman Corporation, Tenneco Oil Company, Pennzoil Company, Pennzoil Offshore Gas Operations, Inc., Pennzoil Louisiana and Texas Offshore, Inc., and Pennzoil Producing Company.

bursal of refunds to the purchasers and the flow-through of refunds by the purchasers. Recently it has come to the Commission's attention that certain of the producers listed in the Appendix to the order of September 3, 1976, are covered by a refund disbursement order in Docket No. G-16760, et al. issued August 7, 1969, relating to sales to United Gas Pipe Line Company [1] and others by a similar order in Docket No. CI63-5, et al., issued February 19, 1970, relating to sales to Lone Star Gathering Company.[2]

Further, Jake L. Hamon, et al., are covered by an order in Docket Nos. RI61-408 et al. issued November 5, 1965, severing certain dockets from consolidated proceedings, approving a rate settlement and providing for the retention of refunds.[3] In these circumstances Jake L. Hamon, et al., should be deleted from the list in Appendix A to the order of September 3, 1976.

The Commission orders:

The following producers are deleted from Appendix A of the order of September 3, 1976:

[1] Atlantic Richfield Company, Successor to Sinclair Oil Corporation, et al., Docket Nos. G-61760 et al., August 7, 1969.

[2] George R. Brown (Operator), et al., Docket Nos. CI63-5, et al., February 19, 1970.

[3] Jake L. Hamon, et al., 34 FPC 1243 (1965).

Texas Railroad Commission District No. 2	
Order in Docket Nos. G-16760, et al., August 7, 1969:	
Sinclair Oil & Gas Co., et al	G-16760
H. H. Howell (operator), et al	G-20595
Richard M. Finder, d/b/a Texkan Oil Co. (operator), et al	CI61-352
Lone Star Producing Co	CI61-918
Order in Docket Nos. CI63-5, et al., February 19, 1970:	
Producing Properties, Inc	CI61-1236
The Jupiter Corp. (operator), et al	CI62-698
Ralph E. Fair, Inc	CI62-780
Monsanto Company (operator), et al	CI62-824
	CI62-889
Cities Service Co	CI62-959
Continental Oil Co	CI62-961
Rodney Delange (operator), et al	CI62-962
H. B. Zachry Co., Gasoline Production Division	CI62-1023
George R. Brown (operator), et al	CI63-5
Ralph E. Fair	CI63-56
Monsanto Co	CI63-58
Montego Oil Co. (operator), et al	CI63-790
Producing Properties, Inc. (operator), et al	CI63-814
H. D. Burns (operator), et al	CI63-820
Highland Oil Co	CI64-346
Texas Eastern Transmission Corp	CP63-193
Texas Railroad District No. 4	
Order in Docket Nos. RI61-408 et al., November 5, 1965:	
Hamon, Jake L. (operator), et al	CI61-922
Hamon, Jake L	CI61-1745
Hamon, Jake L	CI61-930

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32583 Filed 11-4-76;8:45 am]

[Project No. 2487]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Accepting Surrender of License

Issued OCTOBER 27, 1976.

On February 28, 1974, Central Vermont Public Service Corporation (Licensee) filed with the Commission a notice of its intent to surrender its minor license for the Hoosick Falls Project No. 2487. License filed an application for surrender in accordance with §§ 6.1 through 6.5 of the Commision's Regulations, 18 CFR §§ 6.1-6.5, on July 29, 1974. The license for Project No. 2487 was issued to Licensee on June 3, 1966, 35 F.P.C. 872 (1966).

By this order we accept the application for surrender, subject to the terms and conditions discussed and enumerated below.

DESCRIPTION OF THE PROJECT

Project No. 2487 is located on the Hoosick River, a tributary to the Hudson River, in the Village of Hoosick Falls, Rensselaer County, New York. When originally licensed, the project works consisted of a concrete dam approximately 220 feet long and 30 feet high, surmounted by 2-foot flashboards and having a 150-foot spillway section and a concrete structure with sliding head gates; a 16.3-acre reservoir with storage limited to hourly pondage; a canal approximately 900 feet long and 75 feet wide (the north wall of which is an earthen dike) having three trash racks at the powerhouse end and a 53-foot concrete spillway equipped with two-foot flashboards located directly below the dam; a powerhouse containing three vertical generating units with a combined capacity of 1,050 kW; a 34.5-kV transmission line connecting the plant to the North Bennington Substation; and appurtenant facilities.

Licensee reports that in 1965 the number two generating unit no longer fulfilled its requirements to the system load, and was removed in May of that year. In 1970, unit number one suffered mechanical failure. Concluding on the basis of cost-benefit studies that rehabilitation of the project would not be economically justified, Licensee ceased project operation in 1972 and removed from the premises units one and three and all other electrical generating equipment.

FEASIBILITY OF REHABILITATION

The Commission's staff has prepared an economic analysis of the feasibility of rehabilitating Project No. 2487. The average annual energy output for the project would be approximately 3,850,000 kilowatt-hours when using a single adjustable-blade propeller turbine. The total cost of repairing the dam and power intake, and of installing a single 1050-kW generating unit, is estimated at $1,001,300. (1974 dollars). Whether compared with the power benefits of an oil-fired thermal plant or a combustion turbine plant, rehabilitation of the project would not be economically justified by a wide margin. We therefore agree with Licensee's conclusion regarding possible rehabilitation of the project's power facilities.

PROPOSED USE OF THE PROJECT SITE AND FACILITIES

Licensee has executed a contract to sell, and the Village of Hoosick Falls, New York (Village) to buy, the dam, powerhouse, and five acres of adjoining land for the sum of $5,001.00. The contract provides, inter alia:

1. The agreement is subject to present or future Federal, State, or local laws and regulations, and is conditioned upon securing and retaining such governmental approvals, grants, or permits as may be necessary.

2. The contract is subject to the consummation of a maintenance agreement between the Village and the Wood Flong Corporation to care for the dam.

3. The deed to the premises will be delivered to the Village no later than 30 days after Licensee receives notice from the Commission that the Project No. 2487 license has been terminated.

It is essential to the Village that the dam be left in the river, because the Village relies for its water supply on a dug well located about a mile upstream from the dam. The Village is concerned that if the dam were taken out, the water table at the well would be lowered to a point where the water supply would be endangered.[1] Maintenance of a full

[1] The Village has already had one unfortunate experience in this category. In 1950, a dam upstream of Project No. 2487 was removed because of flood damage. As a result, the water table at the dug well dropped. The Village then drilled two additional wells, at a cost of $100,000. The water from the two newer wells was so high in iron and manganese content that it could only be used for fire protection. A consultant has estimated that treatment facilities to render the water suitable for drinking would cost $500,000, a sum that the Village cannot afford.

reservoir level at the project is also important to the Wood Flong Corporation, which takes water directly from the reservoir for use at its paper mill, which is located about ¾ of a mile upstream of the dam. The mill takes 750,000 gallons of water per day.

In view of these facts, we conclude that the alternative of requiring removal of the dam and complete restoration of the area is not desirable. Such removal would not only be detrimental to the interests of the Village and the paper company, but would also require extensive safeguards to protect the area downstream from the migration of accumulated sediment.[2]

The surrender application states that the Village would use the powerhouse as a garage and storage facility. The land to be conveyed will be used for Village purposes, probably for eventual expansion of the local sewage treatment facility. The application also states that the intake canal leading from the dam to the powerhouse "will probably be filled by the Village." This subject is further discussed below.

Safety and Maintenance of the Project Structures

In its comments on the surrender application, the United States Environmental Protection Agency directed our attention to the lack of data concerning the integrity of the dam and the extent of future maintenance required.

The New York State Department of Environmental Conservation (DEC), in commenting on the surrender application, reported that the dam is in "fair" condition, with small downstream hazard. DEC will have jurisdiction to require maintenance of the dam following the effective date of surrender of the license. DEC also expressed its concern over future maintenance of the dam.

As noted above, the contract between Licensee and the Village is subject to the consummation of a maintenance agreement between the Village and the Wood Flong Corporation. We are requiring as a condition to our acceptance of surrender of the license that Licensee file with the Commission an executed agreement providing for maintenance of the dam.

In its comments on the application, the United States Department of the Interior recommended that the power canal be filled with clean fill material prior to surrender of the license. We agree. Filling the canal would avert the risk of persons accidentally falling into the excavation, and would prevent stagnant water from pooling. Filling the canal would also restore the site approximately to its original condition.

In the surrender application, Licensee stated that the intake "will probably be filled by the Village." The Village, on the other hand, has stated that it has no plans to fill the canal. We emphasize that regardless of which entity performs the work, the final responsibility rests with Licensee. Acceptance of the surrender is further conditioned upon Licensee's filling of the canel in a manner satisfactory to the Commission's Regional Engineer. This work is to be performed within one year of the date of issuance of this order.

We believe that these measures will ensure the future safety and maintenance of the dam and other project structures.

Miscellaneous Considerations

The Department of the Interior reported that surrender of the license for Project No. 2487 would have no adverse impact on any existing, proposed, or known potential unit of the National Park System, nor any known historical, natural, or environmental education sites eligible for the National Landmarks Program. In addition, the Office of the New York State Historic Preservation Officer was consulted on May 24, 1976; as of that date, no cultural resource sites under consideration by that office were located in the vicinity of the project.

The U.S. Army Corps of Engineers recommended that Licensee or any prospective new owners of the project be required to consult with its Director Engineer, New York, New York, in connection with the possible need for permits to maintain the dam (section 10 of the River and Harbors Act of 1899, 33 U.S.C. 403), and to fill the power canal (section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344). This requirement is imposed below.

We have concluded that our acceptance of the license surrender does not constitute a major Federal action having a significant impact on the human environment, and therefore that the preparation of a detailed impact statement pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (2)(C), is not required. The project dam will remain in place, the reservoir level will remain stable, and the existing environment will be generally maintained in its present state. Adverse impacts of filling the power canal will be short-term and minor in nature.

Public notice of the surrender application was given on April 4, 1974, 39 FR 13315, with May 24, 1974, as the last day for filing protests or petitions to intervene. None was received.

Licensee has paid annual charges for the project through December 31, 1975. Additional annual charges shall be paid to the United States through the effective date of surrender of the license, see § 6.5 of the Commission's Regulations, 18 CFR 6.5 (1976), as provided hereinafter.

The Commission finds: (1) Acceptance of surrender of the license for the Hoosick Falls Project No. 2487 is not a major Federal action having a significant impact on the human environment.

(2) Subject to the terms and conditions hereinafter imposed, acceptance of the surrender of the license for Project No. 2487 is appropriate for purposes of the Federal Power Act and in the public interest.

The Commission orders: (A) Surrender of Central Vermont Public Service Corporation's license for the Hoosick Falls Project No. 2487 is accepted effective as the date given in paragraph (B), below, subject to the following conditions:

(1) Licensee shall file with the Commission an executed agreement that provides for future maintenance of the project dam.

(2) Licensee shall be responsible for filling the project's power canal with material, and in a manner, acceptable to the Commission's New York Regional Engineer. This work shall be accomplished within one year of the date of issuance of this order. Prior to filling the canal, Licensee shall consult and cooperate with the Corps of Engineers, District Engineer, New York, New York, with regard to compliance with section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344.

(3) Licensee and/or the prospective owner of the project dam shall consult and cooperate with the Corps of Engineers, District Engineer, New York, New York, with regard to compliance with section 10 of the River and Harbor Act of 1899, 33 U.S.C. 403.

(B) The surrender of the license for Project No. 2487 shall be effective upon compliance with the conditions of paragraph (A), above. The Commission's Secretary shall notify Licensee of the effective date of surrender, and payment of annual charges shall continue until such effective date.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc.76-32588 Filed 11-4-76;8:45 am]

[Docket No. CP77-9]

COLUMBIA GAS TRANSMISSION CORP.

Application

October 29, 1976.

Take notice that on October 13, 1976, Columbia Gas Transmission Corporation, (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-9 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Hayes-Albion Corporation (Hayes-Albion), all as more fully set forth in said petition which is on file with the Commission and open to public inspection.

Applicant proposes to transport for a two-year period up to 1,432 Mcf a day and up to 308,700 Mcf on an annual basis.

[2] Cf. Order Providing for Hearing and Prescribing Procedures, Niagara Mohawk Power Corp., Project No. 2482, issued April 26, 1974 (problems caused by deposits of silt downstream following removal of a project dam).

It is stated that Hayes-Albion has contracted to purchase natural gas from Shell Oil Company (Shell) and Amoco Production Company (Amoco) from wells located in Eaton County, Michigan. It is indicated that such gas would be received by Applicant at an existing point of delivery from Panhandle Eastern Pipe Line Company (Panhandle) located in Lucas County, Ohio, and redelivered by Applicant to Columbia Gas of Ohio (Columbia Ohio), a wholesale customer of Applicant at an existing point of delivery located in Hopewell Township, Seneca County, Ohio and in turn to Hayes-Albion's Tiffin, Ohio plant (Tiffin).

It is stated that Hayes-Albion would pay Shell and Amoco $1.60 per Mcf until April 1, 1977; $1.80 per Mcf from April 1, 1977, to April 1, 1978; and $2.00 per Mcf from April 1, 1978 to April 1, 1979.

Applicant proposes to charge a transportation rate of 21.99¢ per Mcf and would retain for company-use and unaccounted for gas an amount which is currently 3.6% of the volumes received for the account of Hayes-Albion.

It is asserted that the proposed transportation would have no adverse impact on Applicant's ability to provide systemwide deliveries for Priority 1 requirements inasmuch as the transportation agreement is expressly subject to the limits of Applicant's pipeline capacity and its service obligations to its customers. It is further asserted that the natural gas which Hayes-Albion is purchasing from Shell and Amoco is located in Eaton County, Michigan and that Applicant does not purchase any natural gas in Michigan inasmuch as it has no facilities in that area.

The application notes that the volumes to be transported are equivalent to those volumes which Hayes-Albion has nominated as volumes for curtailment at its Tiffin, Ohio plant for the year from January, 1977 through December, 1977 from its distributor Columbia, Ohio.

It is asserted that due to a curtailment of natural gas of 10% at its Tiffin, Ohio plant it was necessary for Hayes-Albion to make other arrangements for its natural gas needs. It is further asserted that Hayes-Albion at its Tiffin plant manufactures gray iron castings for the automotive industry and that approximately 500 persons are employed at the Tiffin plant. It is stated that approximately 80% of the employees live in Seneco County, Ohio and the closing of the Tiffin plant would result in a total unemployment figure for the county of over 9.2% of the total labor force.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32595 Filed 11-4-76;8:45 am]

[Docket No. RP75-114, et al.]

EAST TENNESSEE NATURAL GAS CO.

Filing of Tariff Sheets Pursuant to Commission Approved Settlement Agreement

OCTOBER 29, 1976.

Take notice that on October 22, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing the following tariff sheets:

Original Sheet Nos. 69A and 69B.
Second Revised Sheet Nos. 48, 49, 66 and 68.
Third Revised Sheet Nos. 47, 67 and 69.
Fourth Revised Sheet No. 46.
Sixth Revised Sheet No. 23 and Eighteenth Revised Sheet No. 4.

These tariff sheets are proposed to become effective December 1, 1976.

East Tennessee states these tariff sheets are being filed pursuant to a Settlement Agreement dated June 28, 1976, approved by the Commission's order of October 13, 1976. East Tennessee further states that such tariff sheets are substantially identical to the sheets in Appendix A to the Settlement Agreement, except that the Base Tariff Rates on Eighteenth Revised Sheet No. 4 have been revised pursuant to the Settlement Agreement.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32597 Filed 11-4-76;8:45 am]

[Amdt. No. 1, Instrument No. 6, Project No. 2237]

GEORGIA POWER CO.

Order Amending License

OCTOBER 29, 1976.

Georgia Power Company (Licensee) filed on July 2, 1976, an application for amendment of license for the constructed Morgan Falls Project, FPC Project No. 2237, located on the Chattahoochee River in Fulton and Cobb Counties, Georgia, near the City of Atlanta. The Chattahoochee River is a navigable waterway of the United States.

The license for Project No. 2237 was issued on March 27, 1959, (21 F.P.C. 425) for a term of fifty years. Article 27 of that license requires Licensee to operate the project in accordance with the provisions of a contract dated September 6, 1957, between Licensee and the City of Atlanta (City). The contract requires, inter alia, that Licensee reregulate the releases from the upstream Buford Project, operated by the Department of the Army, Corps of Engineers, so as to provide a minimum flow of at least 750 cfs in the Chattahoochee River downstream from the Morgan Falls Project. The minimum flow of 750 cfs, designed to meet downstream water quality standards, was contingent upon an average weekly inflow of 1600 cfs from the upstream Buford Project.

Licensee now requests a modification of Article 27 to reflect an amended agreement dated March 29, 1976, with City. Increased water withdrawals from the Chattahoochee River between Buford Dam and Peachtree Creek by several water users, including the City, may cause sporadic minimum flows of less than 750 cfs in that part of the Chattahoochee River between the City's water works and the river's confluence with Peachtree Creek. This unfavorable condition assumes added importance now that the U.S. Environmental Protection Agency and the Environmental Protection Division of the Georgia Department of Natural Resources has adopted a minimum flow of 750 cfs as the basis for determining waste water discharge limits for meeting the water quality standards of the Chattahoochee River.

The Corps of Engineers and the Southeastern Power Administration have assured Licensee and the City, by letter dated January 15, 1976, that the upstream Buford Dam will be operated so as to provide a regulated weekly average flow, between June 16, and September 15, of each year, of 1750 cfs. Such flow, when re-regulated by the Morgan Falls Dam, would enable Licensee to provide a minimum flow of 1050 cfs. If the aggregate withdrawal of water by all users between Morgan Falls Dam and Peachtree Creek is no more than 302 cfs, as projected, then the established minimum flow standard of 750 cfs could again be met. Licensee has stated its willingness to use its best efforts to operate the Morgan Falls Dam in such a fashion as to restore the 750 cfs minimum flow to that part of the river immediately below the City's water works, and to this end has entered into the amended agreement.

Approval of the subject application would not constitute a major Federal action significantly affecting the quality of the human environment. An increase in the minimum flow from the Morgan Falls Project should result in improved water quality in the Chattahoochee River.

With respect to the application for amendment of license for Project No. 2237,

The Commission finds: (1) It is appropriate for purposes of the Federal Power Act and consistent with the public interest that the license for Project No. 2237 be modified as hereinafter provided.

(2) It is in the public interest that Licensee operate Project No. 2237 in accordance with the provisions and conditions of the aforementioned contract dated September 6, 1957, with the City of Atlanta, as amended March 29, 1976.

The Commission orders: (A) Article 27 of the license of Project No. 2237 is amended to read as follows:

Article 27. The Licensee shall operate the Morgan Falls project in accordance with the aforementioned contract dated September 6, 1957, with the City of Atlanta, as amended March 29, 1976, subject to further order of the Commission.

(B) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in section 313(a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this license amendment. In acknowledgment of the acceptance of this license amendment it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

In Testimony of its acknowledgment of acceptance of all of the provisions, terms and conditions of the foregoing order _____, this _____ day of _____, 1976, has caused its corporate name to be signed hereto by _____ its _____ President, and its corporate seal to be affixed hereto and attested by _____ its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the _____ day of _____, 1976, a certified copy of the record of which is attached hereto.

By _____
President

Attest:

_____
Secretary

(Executed in quadruplicate.)

[FR Doc.76-32582 Filed 11-4-76;8:45 am]

[Docket No. RP72-140, (PGA76-4)]

GREAT LAKES GAS TRANSMISSION CO.

Filing of Substitute Tariff Sheets

OCTOBER 27, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on October 13, 1976, tendered for filing Substitute Twentieth Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1976.

Great Lakes states that this tariff sheet was filed in substitution of Twentieth Revised Sheet No. 57 filed on September 16, 1976 and is to correct a typographical error in the Rate Schedule G-3 commodity rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32585 Filed 11-4-76;8:45 am]

[Docket No. ES76-72]

GULF STATES UTILITIES CO.

Application

OCTOBER 29, 1976.

Take notice that on October 27, 1976, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $60,000,000 principal amount of First Mortgage Bonds and 500,000 Shares of $_____ Dividend, $100 par value, Preferred Stock.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

The Applicant proposes to sell the New Bonds and the New Series of Preferred Stock at competitive bidding in accordance with the Commission's Regulations under the Federal Power Act. The Applicant proposes to invite bids on or about December 24, 1976, for the purchase of the new securities.

The proceeds from the sale of the new securities will be used to pay off the Company's outstanding commercial paper and short-term bank loans previously authorized by the Commission, and any balance, after payment of the loans and commercial paper, will be added to the general funds of the Company to be used, among other things to provide part of the funds to carry forward the Company's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1976, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32593 Filed 11-4-76;8:45 am]

INTERSTATE POWER CO.

[Docket No. ER77-21]

Contract Extension

OCTOBER 27, 1976.

Take notice that Interstate Power Company, on October 15, 1976, tendered for filing copies of a contract supplement dated August 6, 1976 for Contracts No. 14-06-600-1557 (FPC Rate Schedule No. 14) and No. 14-06-600-474A (FPC Rate Schedule No. 113). The contract supplement extends its existing interconnection agreement with the Bureau of Reclamation to December 31,

1977, or until a replacement contract is executed, whichever is earlier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32598 Filed 11-4-76;8:45 am]

[Docket No. CP77-10]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Application

OCTOBER 29, 1976.

Take notice that on October 13, 1976, Kansas-Nebraska Natural Gas Company, Inc., (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP77-10 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(b); 157.7(e); and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(b); 157.7(e); and 157.7(g)) for a certificate of public convenience and necessity authorizing 1) the construction and operation of gas-purchase facilities during the calendar year 1977; 2) for permission and approval to abandon various direct sales measuring, regulating and minor facilities during the calendar year 1977; and 3) a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1977 various field compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in (1) Constructing facilities to connect with the facilities of an independent producer or other similar seller, authorized to make a sale for resale of natural gas in interstate commerce, with system of another natural gas company authorized to transport natural gas for the account of or exchange natural gas with Applicant; (2) Abandoning service and removing direct sale measuring, regulating, and related facilities; and (3) Constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed gas purchase facilities would not exceed $4,000,000 and no single project would exceed $1,000,000. Applicant also states that the total cost of proposed construction and abandonment under Section 157.7(g) would not exceed $2,000,000 and no single project would exceed $500,000. It is asserted that the cost of the new facilities would be met out of current working capital or would be obtained by interim bank loans which at a later date might be funded by a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32596 Filed 11-4-76;8:45 am]

[Docket No. ER77-17]

KANSAS POWER & LIGHT CO.

Filing of Rate Schedules

OCTOBER 28, 1976.

Take notice that on October 12, 1976, the Kansas Power & Light Company (KP&L) tendered for filing a proposed contract for service to the City of Holton, Kansas, (Holton) executed May 26, 1976. KP&L states that the aforementioned contract is for initial service to Holton, and that it is to become effective on the date facilities are completed, but in no event later than January 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before November 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32579 Filed 11-4-76;8:45 am]

[Docket No. E-8264]

MAINE PUBLIC SERVICE CO.

Extension of Time

OCTOBER 27, 1976.

On October 21, 1976, Maine Public Service Company filed a motion to extend the dates for filing Briefs on Exceptions and Briefs Opposing Exceptions to the Initial Decision, issued September 30, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing Briefs on Exceptions is extended to and including November 8, 1976, and the date for filing Briefs Opposing Exceptions is extended to and including November 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32584 Filed 11-4-76;8:45 am]

[Docket No. ER77-1]

MISSISSIPPI POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Filing

OCTOBER 29, 1976.

On October 1, 1976, Mississippi Power Company (MPCO) tendered for filing a proposed rate increase of $4,536,269 to three wholesale customers; Coast Electric Power Association, Singing River Electric Power Association, and East Mississippi Electric Power Association. The proposed effective date is November 1, 1976.

Notice of the filing was issued on October 18, 1976, with comments due on or before November 1, 1976. In view of the fact that the comment period expires after the 30 day notice period ends, it is necessary and appropriate to suspend the proposed rates for one day to ensure that all parties have adequate opportunity to comment upon the proposed filing.

Following receipt of comments, if any, the Commission shall issue such further

orders as may be appropriate in this proceeding.

The Commission orders:

(A) MPCO's proposed rate filing is accepted for filing and suspended for one day until November 2, 1976.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32597 Filed 11-4-76;8:45 am]

[Project No. 2060]

NIAGARA MOHAWK POWER CORP.

Order Approving Exhibit R

OCTOBER 27, 1976.

On July 14, 1976, Niagara Mohawk Power Corporation (Applicant), Licensee for Project No. 2060, known as the Carry Falls Project, filed an Exhibit R for Commission approval pursuant to Article 19 of the license. Article 19 was added to the project license by Order Approving Systemwide Recreation Plan As Modified, Docket No. E-7470, issued June 9, 1975. The Carry Falls Project is located on the Raquette River in St. Lawrence County New York.

The existing recreational development provided by Applicant at the project consists of: (1) a public boat ramp located near the project dam and adjacent to a small picnic area on the downstream Stark Development of Project No. 2084; and (2) a 16-unit public campground located along the upper reaches of the reservoir, with a boat ramp, sanitary facilities, fireplaces, and drinking water. There are also several private cottages located around the project reservoir. Water access is available to the wilderness area on the reservoir's eastern shoreline, where a hiking trail provides a route to the State Forest Reserve Lands. While no additional recreational development is proposed at this time, additional project lands are available for future recreational development if the need should arise.

Applicant's systemwide recreation plan, covering approximately 80 of its hydroelectric developments, including Project No. 2060, was approved, as modified by the Commission on June 9, 1975. The recreational developments described in the Exhibit R do not differ from those described in that portion of the systemwide plan pertaining to Project No. 2060. Federal, State, and local agencies were afforded an opportunity to comment on the systemwide plan. There were no recommendations pertaining to Project No. 2060 in the comments of the responding agencies. Applicant indicated in the application that it has coordinated this Exhibit R with the Bureau of Outdoor Recreation of the U.S. Department of the Interior, the New York State Department of Environmental Conservation, and the New York State Office of Parks and Recreation.

We believe that the existing facilities and the project lands reserved for additional recreational use will provide for outdoor recreation and public access needs at the project during the term of the license. Future recreational needs are provided for in Article 19 of the license, which requires Applicant to develop additional recreation facilities if we or an appropriate Federal or State agency determine that there is a need. Article 7 of the license provides for free public access at the project. Section 8.11 of the Commission's Regulations, 18 CFR 8.11 (1976), requires Applicant to file biennially a Form No. 80 to show inter alia, the extent of consultation and cooperation with governmental agencies in planning for recreation.

The approval of the Exhibit R would not constitute a major Federal action significantly affecting the quality of the human environment, because no construction is authorized and there will be no change in project operation.

The Commission finds: (1) The Exhibit R conforms to the Commission's Rules and Regulations.

(2) It is appropriate and in the public interest that the Exhibit R be approved as part of the license for Project No. 2060.

(3) Approval of the Exhibit R would not constitute a major Federal action significantly affecting the quality of the human environment.

The Commission orders: The Exhibit R for Project No. 2060 filed on July 14, 1976, consisting of six pages of text and two drawings entitled "Raquette River Project, General Location Map, Recreational Facilities" and "Raquette River Recreational Plan, General Location Map, Carry Development FPC Project No. 2060" (FPC Nos. 2060-22 and 2060-23), is hereby approved and made a part of the license for Project No. 2060 insofar as it describes existing recreational facilities at the project.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32586 Filed 11-4-76;8:45 am]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures Regarding Pipeline

OCTOBER 29, 1976.

On September 30, 1976, North Penn Gas Company (North Penn) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1,[1] requested to become effective on November 1, 1976. For the reasons set forth below, the Commission shall accept for filing and suspend the revised tariff sheet until April 1, 1977, and establish procedures to determine the justness and reasonableness of the changes proposed therein.

North Penn states that the changes proposed in the instant filing are designed to increase revenues from jurisdictional sales and service by $1,339,790 annually, based on data for the 12-month period ended May 31, 1976, as adjusted for known and measurable changes through February 28, 1977. The Company states that the proposed increase reflects an increase in the overall rate of return to 10.75 percent, increased taxes and plant, and increases in the costs of materials, supplies and wages.

Public notice of North Penn's filing was issued on October 12, 1976, providing that comments, protests or petitions to intervene should be filed on or before October 27, 1976.

The Commission's review of the instant filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission shall accept the revised tariff sheet for filing and suspend its use for five months until April 1, 1977, when it may become effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act. The Commission shall also establish procedures to determine the lawfulness of the proposed rate increase.

The Commission finds: North Penn's proposed Thirty-Fourth Revised Sheet No. PGA-1 should be accepted for filing and suspended for five months until April 1, 1977, when it may become effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act.

The Commission orders: (A) North Penn's proposed Thirty-Fourth Revised Sheet No. PGA-1 is hereby accepted for filing and suspended until April 1, 1977, or until such other time as it is made effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheet filed herein.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before February 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene,

[1] The proposed changes are set forth in Thirty-Fourth Revised Sheet No. PGA-1.

motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32591 Filed 11-4-76;8:45 am]

[Docket No. CP76-230]

NORTHERN NATURAL GAS CO.

Amendment

OCTOBER 28, 1976.

Take notice that on October 20, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-230 an amendment to its pending application in the instant docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Northern States Power Company (NSP) pursuant to a liquefied natural gas (LNG) storage agreement dated December 17, 1975, all as more fully set forth in said amendment which is on file with the Commission and open to public inspection.

Applicant states that its original application stated that the only additional facilities required to accommodate the LNG storage arrangement were minor modifications of yard piping at St. Paul TBS #1 P. It is stated that a review of the project has produced an alternative which offers an economic saving and provides a more efficient means of measuring the volumes redelivered by NSP.

Applicant proposes to install additional measuring facilities at St. Paul TBS #1 P at an estimated cost of $45,900 rather than making yard piping modifications at an estimated cost of $60,000.

Applicant asserts that in addition to economic saving, an operational advantage would be realized. Utilization of the measuring facilities would simplify the additional piping and reduce the number of valves to be installed and operated resulting in more efficient operation it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Parties who have heretofore filed need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32601 Filed 11-4-76;8:45 am]

[Docket Nos. RP76-157]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Tariff Sheet and Establishing Procedures Regarding Pipeline Rates

OCTOBER 29, 1976.

On September 30, 1976, Northern Natural Gas Company (Northern) tendered for filing a proposed tariff sheet[1] that would increase its revenues from jurisdictional sales by $76,475 based on the twelve month period ending May 31, 1976, as adjusted. The proposed effective date of the increase is October 31, 1976. For the reasons stated below, the Commission shall accept for filing and suspend Northern's tariff sheet for five months until March 31, 1977.

Public notice of Northern's filing was issued October 8, 1976, with comments, protests, or petitions to intervene due on or before October 26, 1976.

The stated purpose of the filing is to recover increased costs to Northern of providing gas service applicable to the jurisdictional sales made by the Peoples Natural Gas Division in the Texas Panhandle area.

Commission review of Northern's revised tariff sheet indicates that the increased rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the tariff sheet shall be accepted for filing and suspended for five months until March 31, 1977, when it may be placed into effect, subject to refund.

The Commission finds: Good cause exists to accept for filing the revised tariff sheet filed on September 30, 1976, by Northern and to suspend its use for five months until March 31, 1977, when it may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission orders: (A) Pending a hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheet filed on September 30, 1976, by Northern is accepted for filing and suspended from operation for five months, to become effective March 31, 1977, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the justness and reasonableness of the proposed rate increase.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before February 1, 1977, for the purposes of settlement (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and all motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32592 Filed 11-4-76;8:45 am]

[1] Fourteenth Revised Sheet No. 3a to Northern's Gas Tariff, Original Volume No. 4.

[Docket No. AR64-2, et al]

AUSTRAL OIL CO., ET AL.

Extension of Time Regarding Area Rate Proceeding

OCTOBER 26, 1976.

On October 12, 13, and 14, 1976, Austral Oil Company, Marathon Oil Company, and Placid Oil Company, respectively, filed motions to extend the time, fixed by order issued September 3, 1976, in the above-designated proceeding, within which producers in the Texas Gulf Coast Area must file refund reports and disburse funds.

Upon consideration, notice is hereby given that an extension of time is granted to and including sixty days after the Commission acts on pending petitions for rehearing of the September 3 order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32581 Filed 11-4-76;8:45 am]

[Docket Nos. E-8999 and E-9000 Docket No. E-9001]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Postponement of Procedural Dates

OCTOBER 28, 1976.

On October 14, 1976, Orange and Rockland Utilities, Inc., and Rockland Electric Company filed a motion to postpone the dates for filing briefs on exceptions and briefs opposing exceptions to the Initial Decision in the above-designated proceeding, pending action by the Commission on the proposed Settlement Agreement.

Notice is hereby given that the dates for filing briefs on exceptions and briefs

opposing exceptions in the above-designated proceeding are postponed pending further action by the Commission.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32574 Filed 11-4-76;8:45 am]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Postponement Procedural Dates

[Docket No. CP75-54]

PANHANDLE EASTERN PIPE LINE CO.

Petition To Amend

OCTOBER 28, 1976.

Take notice that on October 19, 1976, Panhandle Eastern Pipe Line Company (Petitioner), filed in Docket No. CP75-54 a petition pursuant to Section 7 of the Natural Gas Act to amend the order of the Commission issued on November 1, 1974, as amended on September 26, 1975, in the instant docket so as to authorize the construction of budget-type gas-purchase facilities at a total cost higher than originally authorized, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the order of November 1, 1974, amended September 26, 1975, in the instant docket granted Petitioner budget-type authorization to construct for a twelve month period commencing November 1, 1974, and operate gas-purchase facilities. It is stated that said authorization limited the total cost of facilities to $10,000,000 with no single onshore project to exceed a cost of $1,500,000.

Petitioner states that due to the large number of projects constructed and to the rise in construction and material costs experienced from the time the costs were estimated until the projects were completed it experienced a cost overrun of $280,337. Petitioner requests that its authorization granted by the Commission's order of November 1, 1974, as amended, be further amended to raise from $10,000,000 to $10,280,327 the total cost limitation for facilities to be constructed under the subject budget-type authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in detremining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32603 Filed 11-4-76;8:45 am]

[Docket No. CP77-16]

PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

Application

OCTOBER 29, 1976.

Take notice that on October 15, 1976, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), (Applicants), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-16 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of a transportation and sales agreement between Applicants and Mississippi River Transmission Corporation (MRT) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport on a firm basis up to 3,300 Mcf per day and on a best efforts basis 2,000 Mcf per day on behalf of MRT from Beckham County, Oklahoma to Clay County, Illinois. Applicants indicate that they would receive said volumes through an arrangement with Natural Gas Pipeline Company (Natural) wherein the gas would be delivered to Natural in Beckham County, Oklahoma, and would be redelivered to Applicants at one of three delivery points located in Beckham and Dewey Counties, Oklahoma and Clark County, Kansas.

It is stated that for the transportation service between the point of receipt and the point of redelivery in Clay County, Illinois, MRT would pay Applicants a monthly transportation charge which varies depending upon the point of delivery of such gas from Natural to Panhandle as follows:

Redelivery point to panhandle by Natural	Minimum monthly transportation charge	Unit charge (cents per 1,000 ft³)
Beckham County, Okla.	11,741	19.50
Clark County, Kans.	13,761	22.86
Dewey County, Okla.	12,434	20.64

It is stated that said charges include the transportation charge paid by Panhandle to Natural pursuant to a transportation agreement between Panhandle and Natural dated September 1, 1976.

It is stated that redelivery to MRT would be accomplished under an arrangement whereby Trunkline would reduce its deliveries to Panhandle at the existing point of interconnection in Douglas County, Illinois and in turn would increase its deliveries to MRT at the Clay County, Illinois point of interconnection. Both Panhandle and MRT are stated to be resale customers of Trunkline, purchasing gas from Trunkline pursuant to its Rate Schedule P-1 and therefore, there would be no charge by Trunkline for delivery of these volumes to MRT.

It is stated that as partial consideration for the described transportation service MRT has agreed to sell to Panhandle up to 20 percent of the volumes received for Applicants' account. It is said that the purchase price for such gas would be MRT's weighted average purchase price plus any cost of service approved by the Commission related to MRT's gathering, compression, dehydration, treatment and return on MRT's investment in facilities utilized in the gathering of said gas.

It is asserted that, the utilization of capacity in Applicants' existing facilities is the most efficient and economical means of transporting the volumes of gas MRT has acquired in the Beckham County, Oklahoma, area.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-32589 Filed 11-4-76; 8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Further Extension of Time

OCTOBER 28, 1976.

On October 19, 1976, Potomac Edison Company filed a motion to further extend the time within which to respond to the Motion for Settlement and Stay of Proceedings of the Boroughs of Chambersburg and Mont Alto, Pennsylvania, and City of Hagerstown, City of Thurmont, and Town of Williamsport, Maryland, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time within which to respond to the motion for settlement in the above-designated proceeding is further extended to and including October 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32604 Filed 11-4-76;8:45 am]

[Docket No. ER77-12]

PUBLIC SERVICE CO. OF NEW MEXICO

Agreement

OCTOBER 28, 1976.

Take notice that Public Service Company of New Mexico (Company) on October 8, 1976, tendered for filing a Master Interconnection Agreement between Company and Plains Electric Generation and Transmission Cooperative, Inc. (Plains). Also tendered for filing was an Amendment thereto, as well as a Service Schedule "B" providing for the limited-term sale of supplemental power and the delivery of off-peak power and energy to Plains. The Company states that the service is to commence on October 1, 1976, and requests a waiver of the notice required by § 35.11 of the Commission's Regulations.

The Company states that the proposed rate for the period has been agreed upon by the parties and that copies of the filing have been mailed to the Company's jurisdictional customers and to the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32576 Filed 11-4-76;8:45 am]

[Docket No. RP76-137]

TENNESSEE GAS PIPELINE CO.

Order Denying Application for Rehearing and Granting Petitions To Intervene Regarding Pipeline Rates

Issued OCTOBER 29, 1976.

By order issued August 30, 1976, the Commission accepted and suspended for five months certain revised tariff sheets to Tennessee Gas Pipeline Company's (Tennessee's) FPC Gas Tariff. The Commission also ordered that construction work in progress (CWIP) be eliminated from rate base and that expensed construction overheads be eliminated from cost of service. In Tennessee's last rate increase filing in Docket No. RP75-113, the Commission also required the elimination of CWIP from rate base and expensed construction overheads from cost of service by order issued August 15, 1975, rehearing denied October 10, 1975. Tennessee's petition for review of those orders is pending in the United States Court of Appeals for the District of Columbia Circuit in Case No. 75-2184. Tennessee's motion for stay of those orders was denied by that court by order issued on January 14, 1976. On September 29, 1976, Tennessee filed a pleading styled as an application for rehearing and reconsideration of the August 30, 1976 order. Instead of rearguing its position, Tennessee attached and incorporated the Application for Rehearing to our August 15, 1975 order in Docket No. RP75-113, which identical application was denied by our October 10, 1975 order in that proceeding. We believe that for the reasons set forth in the October 10, 1975 order, the application should be denied and accordingly do not restate the reasons, but incorporate them in the instant order.

Additional timely and untimely petitions to intervene have been filed since our August 30, 1976 order herein.[1] We believe the interest of these petitioners is sufficient to warrant their intervention and shall grant the petitions.

The Commission finds: (1) Good cause exists to permit the intervention of the above mentioned petitioners.

(2) The application for rehearing filed herein, having been previously filed and denied, should again be denied for the reasons set forth in order denying rehearing in Docket No. RP75-113, issued October 10, 1975.

The Commission orders: (A) Tennessee's application for rehearing is hereby denied.

(B) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32590 Filed 11-4-76;8:45 am]

[1] Chattanooga Gas Company, Columbia Gas Distribution Companies, Entex, Inc., Long Island Lighting Company, The Peoples Gas Light and Coke Company, Tennessee Valley Municipal Gas Association, and Texas Gas Transmission Corporation.

[Docket No. CP77-23]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

OCTOBER 28, 1976.

Take notice that on October 20, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-23 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 1.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas for Aluminum Company of America (Alcoa), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Alcoa plans to purchase natural gas produced in the Starks Field Area, Calcasieu Parish, Louisiana, from Aztec Oil and Gas Company (Aztec) and Dynamic Exploration Inc. (Dynamic) in order to moderate the effects of curtailments being imposed on Alcoa by Southern Indiana Gas and Electric Co. (SIGECO), a resale customer of Texas Gas Transmission Corporation (Texas Gas).

Applicant proposes to transport for a two year period up to 2,000 Mcf per day of said natural gas to Texas Gas for the account of Alcoa. Texas would in turn transport the gas to SIGECO for delivery to Alcoa, it is said.

It is stated that Alcoa would arrange to have the daily volumes delivered into Applicant's existing pipeline at Applicant's Main Line Valve 820-1 plus 12.57 miles, located in Calcasieu Parish, Louisiana. It is indicated that Applicant would then transport and deliver the natural gas to Texas Gas for the account of Alcoa at Applicant's existing Greenville, Mississippi delivery point in Washington County, Mississippi.

It is stated that Alcoa, pursuant to a transportation contract would pay Applicant each month for transportation service: (1) a demand charge to be determined by multiplying $1.43 by the maximum daily quantity, less any demand charge credit provided therein, if applicable; and (2) a volume charge equal to 6.07¢ per Mcf multiplied by (a) the total monthly volumes delivered, or (b) the number of days in said month multiplied by 66⅔% of the maximum daily quantity, which ever is greater, less any applicable annual minimum bill credit provided therein.

Applicant states that it anticipates having capacity available to perform the transportation service due to curtailments resulting from a deficiency on its system. Applicant would transport gas only to the extent its operating conditions permit and thus transportation of such gas would not preempt the capacity needed for Tennessee's firm services it is said.

It is stated that the gas to be purchased by Alcoa is produced from onshore areas and not available to Applicant for resale in interstate commerce. It is further stated that absent present arrangements, said gas would be sold to one of several intrastate purchasers who have made offers. The price which Alcoa has contracted to pay is $1.35 per Mcf, which is well within the range of intrastate prices in the area from which the sale would be made it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32580 Filed 11-4-76;8:45 am]

[Docket No. CP77-12]

TEXAS EASTERN TRANSMISSION CORP.

Application

OCTOBER 28, 1976.

Take notice that on October 15, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-12 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $10,000,000 and that the cost of any single onshore project would not exceed $1,500,000 and the cost of any single offshore project would not exceed $2,500,000. These amounts would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32575 Filed 11-4-76;8:45 am]

[Docket No. CP76-469]

UNITED GAS PIPE LINE CO.

Amendment

OCTOBER 28, 1976.

Take notice that on October 12, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-469 an amendment to its pending application in the instant docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to utilize its reserved capacities in the pipeline systems of Stingray Pipeline Company (Stingray) and Natural Gas Pipeline Company of America (Natural) to transport natural gas to be purchased by Sea Robin Pipeline Company (Sea Robin) and by Southern Natural Gas Company (Southern) all as more fully set forth in the application on file with the Commission and open to public inspection.

In its original application, Applicant requested authorization to use up to 19,900 Mcf per day of its 200,000 Mcf per day reserved capacities in the pipeline systems of Stingray and Natural to transport natural gas to be purchased by Sea Robin in Blocks 532, 533, and 586, West Cameron Area, offshore Louisiana. Applicant now proposes to utilize a portion of its reserved capacities in the Stingray and Natural systems (1) to transport up to 10,800 Mcf per day of natural gas for Sea Robin and (2) to transport up to 4,550 Mcf per day of natural gas for Southern attributable to the reserves to be committed to Southern in West Cameron Block 586.

It is proposed that Applicant transport such volumes for Sea Robin and Southern to a point near Texaco, Inc.'s Henry Plant (Henry Redelivery Point). At that point, Sea Robin would sell one-half of its gas to each of its two resale customers, Southern and Applicant, it is said.

It is stated that for the right to utilize a portion of Applicant's reserved capacities in the Stingray and Natural Systems, Sea Robin and Southern would

reimburse Applicant for a pro rata share of the monthly charges by Applicant to Stingray and Natural. Applicant would credit the revenues received from Sea Robin and Southern against its cost of service, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to particiapte as a party in any hearing therein must file a petition to intervene in accordance with the Commissions' Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32602 Filed 11-4-76;8:45 am]

[Docket Nos. RP71-29, et al., (Phase II)]

UNITED GAS PIPE LINE CO.

Order Denying Motion for Temporary Extension of Interim Plan

OCTOBER 28, 1976.

On October 1, 1976, Consolidated Gas Supply Corporation ("Consolidated") filed a motion requesting that the interim curtailment plan currently effective on the transmission system of United Gas Pipe Line Company ("United") be extended beyond its expiration date of October 31, 1976. Nine responses opposing the motion have been received.[1] Two supporting responses have also been received.[2]

On April 1, 1976, United filed revised tariff sheets embodying a proposed permanent curtailment plan. By order issued May 28, 1976, the tariff sheets were accepted for filing, suspended until November 1, 1976, and set for hearing in Phase II. Hearings in Phase II continue at this time, and, obviously, no final decision on the plan offered by United on April 1, 1976, or alternatives presented by opposing parties is reasonably possible before the end of the suspension period. In its decision issued on February 5, 1976, in *Louisiana Power & Light Co.* v. *F.P.C.*, 526 F. 2d 898 (5th Cir. 1976), the Court prohibited the utilization this winter of any curtailment plan other than the four-category plan originally adopted in Opinion Nos. 606 and 606-A,[3] made effective November 14, 1971, and replaced by a five-category plan by Opinion Nos. 647 and 647-A.[4] In Consolidated's view, the Court's decision leaves three possible curtailment plan alternatives for this winter: (1) the plan contained in United's tariff amendments filed April 1, 1976; (2) the four-category plan; or (3) the existing interim plan.

Consolidated urges that we direct that the existing interim plan be extended until a final decision is reached in Phase II on a permanent curtailment plan for the following reasons: the interim plan was the product of negotiations among the parties, most of whom approve it; it has been workable and effective; it is supported by an adequate record and appropriate Commission findings; and "the uncertainty of a new curtailment plan imposed just before the winter months could create chaos."

The principal defect found with Consolidated's motion arises from a misunderstanding of the binding prohibition of the court's directive to this Commission in *Louisiana Power & Light Co.* v. *F.P.C.*, supra:

> * * * [T]his is the last year during which the three-priority plan will remain in operation without the support of proper finding on the invalidity of the four-priority plan. Absent proper compliance by the Commission with our decision on remand, the four-priority plan will control curtailment on the United system for the 1976-77 winter heating season. 526 F.2d 911.

Consolidated argues that this directive bars only the implementation of the three category plan reinstituted by our March 7, 1975, order and not the interim settlement plan instituted on October 31, 1975. This argument overlooks the fact that the interim plan was merely an amelioration of the original three-category plan, not an entirely new plan.

Indeed, had we adopted an entirely new plan, it could have been construed as a violation of the court's modification on rehearing of its decision to require reimposition of the four-category plan in *State of Louisiana, et al.*, v. *F.P.C.*, 503 F.2d 844 (5th Cir. 1974):

> * * * [I]n order to insure orderly administration of gas curtailments, the Commission may continue to allow United to curtail under the three priority plan for a reasonable period of time pending FPC's decision regarding the matters remanded for further consideration.[5]

Furthermore, in *Louisiana Power & Light Co.* v. *F.P.C.*, supra, the Court, in rejecting arguments that our placement of the "misclassification" issue in Phase I had shifted the burden of proof, approved phasing the remanded proceedings and indirectly recognized the propriety of the subject of Phase I—modifications to the three-category plan.[6] Since the Court considered these matters at a point in its opinion prior to setting out its directive concerning continued operation of the three-category plan, it is appropriate to infer that the Court considered any modified three-category plan resulting from Phase I, such as the interim settlement plan, to be within the ambit of its directive.

Thus, we view the Court's directive in *Louisiana Power & Light Co.* v. *F.P.C.*, supra, as equally applicable to the interim settlement plan as to the original version of the three-category plan.

We also have difficulty with Consolidated's assertion that, unless we act now, there will be chaos due to uncertainty. It appears to us that, given the present posture of the Phase II proceedings, only two possibilities exist after November 1, 1976: the plan contained in United's tariff sheets filed April 1 or the four-category plan. Although United does not directly state that it will move to make its tariff sheets effective, its response to Consolidated's motion indicates that such will be the case:

> * * * United continues to believe that implementation of its proposed plan is the only viable option available on November 1, and that any extension of its current interim plan would entail substantial danger to the public interest.[7]

Thus, at this point, little uncertainty should exist for any party to this proceeding as to the nature of the curtailment plan which will be effective until a final decision in Phase II is reached, subject, of course, to possible court action in the interim.

The Commission finds and orders: Good cause has not been shown for granting Consolidated's motion, and the motion is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32599 Filed 11-4-76;8:45 am]

[Docket No. ER77-18]

WISCONSIN PUBLIC SERVICE CORP.

Filing of New Service Schedule "A" Agreement

OCTOBER 28, 1976.

Take notice that on October 12, 1976, Wisconsin Public Service Corporation (WPS) tendered for filing a Service Schedule A (Revision dated September 1, 1976) to the Power Pool Agreement dated July 26, 1973, between Madison Gas and Electric Company, Wisconsin Power and Light Company and Wisconsin Public Service Corporation.

---

[1] Allied et al, New Orleans Public Service Inc., Mississippi Power & Light Company, United Municipal Distributors Group, Louisiana Power & Light Company, United Gas Pipe Line Company, State of Louisiana, Entex, Inc., and, jointly, Crosby Chemicals, Inc., and Willamette Industries, Inc.

[2] Algonquin Consumer Group and Columbia Gas Transmission Corporation.

[3] 46 FPC 786 and 1290 (1971).

[4] 49 FPC 79 and 1210 (1973).

[5] Order denying rehearing issued December 13, 1974.

[6] 526 F.2d 910.

[7] "Response of United Gas Pipe Line Company of Motion of Consolidated Gas Supply Corporation For Temporary Extension of Interim Settlement Plan", filed October 15, 1976, p. 9.

The provision of this Revised Service Schedule A are to be effective January 1, 1977.

The Service Schedule sets the Contract Energy Rate at 110% of the out-of-pocket cost of delivering energy to the points of interconnections in accordance with the procedures set forth in the Basic Agreement on file with the Federal Power Commission.

WPS states that signed copies of Service Schedule A have been provided to the respective parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32578 Filed 11-4-76;8:45 am]

[Docket No. ER77-19]

WISCONSIN PUBLIC SERVICE CORP.

Filing of New Service Schedule "A" Agreement

OCTOBER 28, 1976.

Take notice that on October 7, 1976, Wisconsin Public Service Corporation (WPS) tendered for filing a Service Schedule A (revision dated September 1, 1976) to the Master Interconnection Agreement dated January 5, 1966, between Wisconsin Public Service Corporation and Wisconsin Power and Light Company (WPL).

The provisions of this Revised Service Schedule A are to be effective January 1, 1977.

The Service Schedule sets the Contract Energy Rate at 110% of the out-of-pocket cost of delivering energy to the points of interconnections in accordance with the procedures set forth in the Basic Agreement on file with the Federal Power Commission.

WPS states that signed copies of Service Schedule A have been provided to the respective parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-32577 Filed 11-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0447]

CIS RADIOPHARMACEUTICALS, INC.

Certain Radiopharmaceuticals Drug Product; Opportunity for Hearing On Proposal To Refuse To Approve New Drug Application

On March 15, 1972, the Food and Drug Administration received a new drug application for a radiopharmaceutical drug product from CIS Radiopharmaceuticals, Inc., 5 DeAngelo Dr., Bedford, MA 01730.

At various times beginning in May 1972 and continuing to July 1976, the applicant was informed of numerous deficiencies in its application. The applicant, in response to these notifications of deficiencies, submitted various amendments to the application, none of which adequately resolved its deficiencies. On July 30, 1976, the applicant was informed that the application is not approvable.

Pursuant to 21 CFR 314.110(d), by letter dated August 25, 1976, received August 30, 1976, CIS requested that its application be filed over protest. With respect to all material submitted prior to July 30, 1976, the application has been reevaluated, as provided for in 21 CFR 314.110(d). Again it has been found to be inadequate and not approvable.

Therefore, notice is given to CIS Radiopharmaceuticals, Inc., and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), refusing to approve the new drug application on the grounds that (1) the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug are adequate to preserve its identity, strength, quality, and purity, and (2) based on a fair evaluation of all material facts, the labeling proposed for the drug is misleading.

The inadequacies in the new drug application concern manufacturing controls and labeling. Because it is possible that publication in the FEDERAL REGISTER of a detailed description of certain of the inadequacies might constitute the revelation of trade secrets, the specific inadequacies in the application are not being published in this notice. A detailed statement of the inadequacies is being served directly on the applicant by mail.

If the applicant elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 6, 1976 a written notice of appearance and request for hearing, and (2) on or before January 4, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. If the applicant wishes to rely on any information submitted after July 30, 1976 (the date of the nonapprovable letter) but before the date of this notice, he shall so indicate and identify the data or information upon which he wishes to rely. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election not to avail himself of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given above) during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 29, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-32317 Filed 11-1-76;10:57 am]

[Docket No. 76F-0272]

E.I. DUPONT DE NEMOURS & CO.

Amended Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice was given in the FEDERAL REGISTER of July 26, 1976 (41 FR 30700) that a petition (FAP 6B3216) has been filed by E.I. duPont de Nemours & Co., Wilmington, DE 19898, proposing that § 121.2501 Olefin polymers (21 CFR 121.2501) be amended to provide for the safe use of ethylene, propylene, 1,4-hexadiene terpolymer in a blend with either polyethylene or polypropylene as articles or components of articles intended for food contact.

Notice is given that the petition also proposes that § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate in the production of the terpolymer.

The environmental impact analysis report and other relevant materials have been reviewed, and it has been determined that the proposed use of the additive other than in carbonated beverage bottles will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner of Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours Monday through Friday.

The Food and Drug Administration announced the availability of the final environmental impact statement (EIS) on plastic bottles for carbonated beverages and beer in a notice published in the FEDERAL REGISTER of October 5, 1976 (41 FR 43944). The EIS would be generally applicable to this petition.

Dated: October 22, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-32139 Filed 11-4-76;8:45 am]

[Docket No. 76N-0381; DESI Nos. 740, 1543, 2238 and 7661]

PHYSICIAN LABELING AND PATIENT LABELING FOR ESTROGENS FOR GENERAL USE; AMENDMENT

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In FR Doc. 76-31619, appearing at page 47573 in the issue for Friday, October 29, 1976, make the following changes:

1. On page 47574, in the 3rd paragraph of the first column, which begins with "The three case control * * *", in the 6th line, the word "case^{2}" should read "case^{3}". The superscript should be "3", not "2".

2. On page 47574, middle column, 1st full paragraph, 3rd and fourth lines, the word which now appears as "congential", should be "congenital".

3. On page 47575, in the middle column, paragraph c., the 5th line, the word "menopause" that has superscript 11 beside it, should be "menopause ^{41}".

4. The "footnotes at the bottom of page 47577 and on page 47578, which should actually be called "Physician References", should be transposed so that they appear in the middle column on page 47576 immediately before the center heading "VI. Patient Labeling".

FEDERAL COUNCIL ON THE AGING

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council will meet on November 30, December 1-2, 1976 from 9:30 a.m. to 5 p.m. in the Snow Room, Room 5150, HEW North Building, 330 Independence Ave., S.W., Washington, D.C. The agenda will consist of: Status of Assets Project; Status of Health Manpower Project; Status of Frail Elderly Project; Approval of National Agenda for Older Americans; Approval of Annual Report and Adoption of 1977 FCA Schedule.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

Dated: October 28, 1976.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.76-32623 Filed 11-4-76;8:45 am]

Office of Education

METRIC EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 403 of Title IV (Part C), of Pub. L. 93-380, applications are being accepted from local educational agencies, State educational agencies, institutions of higher education, and public and private nonprofit agencies, organizations and institutions for grants and contracts for the development, continuation and expansion of metric education projects. Processing of these proposals will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before Friday, February 11, 1977.

A. Applications by mail: An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.561. An Application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than Monday, February 7, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelop, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand Delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D. Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Opportunities for State educational agency comment: Concurrently with the submission of its application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State education agency (SEA) of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Commissioner a copy of the dated cover letter used to forward a copy of its application to the SEA. A. SEA wishing to submit advice and comment on any LEA application originating within its State may do so by forwarding such advice and comment to the Metric Education Staff, U.S. Office of Education, Room 5640, 7th & D Streets, S.W., Washington, D.C. 20202. Advice and comments received from SEA's no later than March 14, 1977 will be considered in reviewing such applications.

D. Program information and forms: Requests for additional information and application forms are to be addressed to the attention of: Dr. Floyd A. Davis, Program Manager, Metric Education Program, U.S. Office of Education, Regional Office Building Three, Room 5640, 7th & D Streets, S.W., Washington, D.C., 20202.

E. Applicable regulation: Awards made pursuant to this notice will be subject to: (1) the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and (2) the Metric Education Program regulations published in the

FEDERAL REGISTER on April 21, 1976 at 41 FR 16766–16771 (45 CFR 160a) (20 U.S.C. 1862).

(Catalog of Federal Domestic Assistance Number, 13.561; Education for the Use of the Metric System of Measurement (commonly known as the Metric Education Program).)

Dated: November 1, 1976.

ROBERT R. WHEELER,
Acting U.S. Commissioner of Education.

[FR Doc.76-32308 Filed 11-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-655]

NATIONAL FLOOD INSURANCE PROGRAM

Negotiations Between the Federal Insurance Administration and the National Flood Insurers Association

The purpose of this notice is to keep the public, particularly the insurance consumer, apprised of the status of the current negotiations between the Federal Insurance Administration (FIA) and the National Flood Insurers Association (NFIA). The negotiations are directed toward clarifying the respective roles of the parties in the operation of the National Flood Insurance Program (42 U.S.C. 4001–4128) and toward producing a contractual agreement which adequately reflects such roles.

Proposed rulemaking regarding the relationship between FIA and NFIA was published by the Department of Housing and Urban Development (Department) at 41 FR 36620 (August 30, 1976). FIA and NFIA are negotiating with a view toward producing a tentative agreement on or about November 15, 1976, which would then be published in the FEDERAL REGISTER for public comment.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32556 Filed 11-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE NORTH ATLANTIC STATES

Rescheduling of Public Hearing Regarding Proposed North Atlantic OCS Oil and Gas Lease Sale

In the FEDERAL REGISTER of October 12, 1976, (41 FR 44716), the Department of the Interior announced the availability of a draft environmental impact statement and notice of public hearing regarding a proposed oil and gas lease sale offshore southeastern New England (OCS Sale #42). The public hearing was scheduled to be held December 7–10, 1976, in Providence, Rhode Island.

In order to give concerned parties in the northeast region an additional opportunity to express their views on the leasing proposal, the Secretary has directed that an additional public hearing on the subject proposal be held in Boston, Massachusetts.

Notice is hereby given that the amended public hearing dates and locations for the North Atlantic OCS Sale #42 leasing proposal are as follows:

BOSTON

Dates: December 7 and 8 (Tuesday, Wednesday).
Times: 9:00 a.m.–9:00 p.m. (E.S.T.).
Place: Howard Johnson's 57 Hotel—Convention Hall A (Sixth Floor), 200 Stuart Street, Boston, Massachusetts 02116.

PROVIDENCE

Dates: December 9 and 10 (Thursday, Friday).
Times: 9:00 a.m.–9:00 p.m. (E.S.T.) (Thursday); 9:00 a.m.–4:30 p.m. (E.S.T.) (Friday)
Place: Holiday Inn—Ballroom, 21 Atwells Avenue, Providence, Rhode Island 02903.

Specific information regarding the purpose and conduct of the hearings, as outlined in the October 12, 1976, FEDERAL REGISTER, remains unchanged. Persons who previously requested to testify in Providence on December 7 or 8 and who still wish to testify, however, should submit a revised registration request to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 6 World Trade Center, Suite 600D, New York, New York 10048 by November 24, 1976.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 2, 1976.

STANLEY D. DOREMUS,
Deputy Assistant, Secretary of the Interior.

[FR Doc.76-32635 Filed 11-4-76;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: School of Veterinary Medicine, University of Pennsylvania, Philadelphia, Pennsylvania 19174. Dr. Peter Dodson, Assistant Professor of Veterinary Anatomy.

OMB NO. 42-R1470

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. Federally funded (National Science Foundation, see Appendix I) scientific research on the thermoregulatory physiology, anatomy and behavior of alligators. Lab. & field studies to establish thermal relations. Lab studies will require sacrifice of 10 alligators (skeletons to be given to Smithsonian Inst.). Six more animals will be returned to the wild after capture

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Dr. Peter Dodson
School of Veterinary Medicine
University of Pennsylvania
Philadelphia, PA 19174

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 5' 10" | WEIGHT 170
DATE OF BIRTH 8/20/46 | COLOR HAIR Brown | COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED 215-243-8784 | SOCIAL SECURITY NUMBER 226-82-4870
OCCUPATION Assistant Professor of Veterinary Anatomy

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
School of Veterinary Medicine
University of Pennsylvania

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
School of Veterinary Medicine
University of Pennsylvania
Philadelphia, PA
- Wildlife Refuges in S. Carolina, Florida, Georgia and Louisiana
- interstate shipment of animals from the above to Philadelphia

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses 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)
State will issue permits after a federal permit has been obtained.

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: Jan. 1, 1977

11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

Additional information attached as per CFR 13.12 and 17.23

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) Peter S Dodson | DATE September 10, 1976

3-200
10/741

Appendix V. Attachments as per 50 CFR 17.22

1. *Alligator mississipiensis*—American Alligator. Number of specimens—16 animals ages 3–5 years, males and females. Scientific research.

2. Animals are still in the wild (i.e. South Carolina, Florida, Georgia and Louisiana) awaiting capture when this is authorized.

3. For the purposes of the scientific study it is necessary to remove specimens to the laboratory. The alligators will be captured in a safe, humane manner, using standard noose and snare techniques.

4. Not applicable.

5. Laboratories of Anatomy, School of Veterinary Medicine, University of Pennsylvania, Philadelphia, PA 19174. An educational and research institution. Complete description of facilities is found in Appendix I.

6. i. Description and illustration of animal care facilities is contained in Appendix IV.

ii. Alligators will be handled and cared for by the applicant (Peter Dodson) and his assistant Diane Wexlar (see Appendix I, p. 23) and Appendix IV. Dodson learned techniques for the care and handling of alligators in the laboratory of Dr. James R. Spotila (Dept. of Biology, State University College of New York, Buffalo), who maintains a colony of permit animals, and has also handled large and small alligators at the Savannah River Ecology Lab., Aiken, S.C. Dodson and Wexler have sole responsibility for a non-permit animal donated by the Academy of Natural Sciences of Philadelphia, and have successfully brought it through a period of post-surgical convalescence to good health (see Appendix III).

iii. No attempts at breeding are contemplated.

iv. Alligators will be transported in a specially constructed sturdy wooden box measuring 60 inches by 18 inches by 12 inches. Although the box is ventilated with a series of 1 inch holes, the interior is black, promoting dark-induced torpor. The box may be transported either by air or station wagon. When transported by road, alligators may be placed in motel bathtubs overnight to prevent desiccation. During a 2 or 3 day trip by road, food is not required (a weekly feeding is sufficient).

v. Not applicable.

7. See Appendix I.

8. See Appendix I.

iv. Skeletons of animals which are sacrificed will be deposited in the Herpetology Collection of the Smithsonian Institution, under the care of Dr. George Zug, Curator of Amphibians and Reptiles. Alligators that are not sacrificed will be returned to the wild and released at the point of capture.

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, N.W., 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 2–372–07; please refer to this number when submitting comments. All relevant comments received on or before December 6, 1976, will be considered.

Dated: October 29, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, United States Fish and Wildlife Service.

[FR Doc.76-32568 Filed 11-4-76;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. National Park Service, Haleakala National Park, Post Office Box 537, Makawao, Maui, Hawaii 96768. Hugo H. Huntzinger, Superintendent

OMB NO. 42-R1870

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.

Habitat management and research, including censusing, maintenance and operation of recording instruments, propagation and release, and any other actions deemed necessary to insure perpetuation of the dark-rumped petrel, Pterodroma phaeopygia sandwichensis, and the nene, Branta sandwicensis.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

National Park Service
Haleakala National Park
P. O. Box 537
Makawao, Maui, Hawaii 96768
Telephone: 808/572-7749

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

Federal managing agency and custodian of natural resources of Haleakala National Park, Maui, Hawaii.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

National Park Service
U.S. Fish & Wildlife Service
Hawaii State Div. of Fish & Game
University of Hawaii

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 808/572-7749

Hugo H. Huntzinger, Superintendent

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Haleakala Crater and surrounding habitats within Haleakala National Park, Maui, Hawaii.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)

#9356 (banding)

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

$ N/A

10. DESIRED EFFECTIVE DATE

January 1, 1977

11. DURATION NEEDED

5 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.

See 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) Hugo H. Huntzinger

DATE April 26, 1976

3-200
(6/74)

PERMIT APPLICATION

The following information is provided in compliance with 50 CFR 13.12(a):

(1–3) Applicant: Name: National Park Service, Haleakala National Park. Address: National Park Service, Haleakala National Park, P.O. Box 537 Makawao, Maui, Hawaii 96768. Telephone: 808–572–7749.

Applicant is a field office of the National Park Service, U.S. Department of the Interior, charged with the management and protection of federally owned lands and resources within Haleakala National Park, Maui, Hawaii.

(4) Location: Haleakala Crater Management District (Unsurveyed), Maui, Hawaii. Within this 13,000+ acre area is habitat for two endemic birds; the nene (Hawaiian goose), and the dark-rumped petrel.

(5) Type of permit: Application is being made for an Endangered Species Permit for habitat management and research purposes. The requirement for such a permit is stated in section 9(a) and is required to implement actions necessary for the conservation of endangered species as stated in section 7 of Pub. L. 93–205, the Endangered Species Act of 1973. The law prohibits the "taking of any endangered species within the United States, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (Pub. L. 93–205, section 3(14)).

Application is made to lawfully permit habitat management and research activities by members of State, Federal and Institutional research personnel for projects as follows:

a. Protection from predators, and research of dark-rumped petrel population through gathering of environmental data such as burrow humidity and temperatures, burrow activity, and population dynamics information. This work is to be done by park personnel under the supervision of the Park Superintendent and with the advice of biologist Michael Scott, U.S. Fish and Wildlife Service. Research planning done is cooperation with National Park Service and U.S. Fish and Wildlife Service.

b. Disturbance will be in and outside dark-rumped petrel nesting burrows by researchers installing and reading burrow activity monitoring devices, predator traps, and environmental measuring devices deemed necessary to collect information and control predators as described in (a). Personnel involved are employees of the National Park Service, U.S. Fish and Wildlife Service, and the University of Hawaii Cooperative Studies Unit.

c. Capture and band dark-rumped petrels as they come to or go from their burrow nesting area. Personnel involved are employees of the National Park Service, University of Hawaii Cooperative Studies Unit, and the U.S. Fish and Wildlife Service.

d. Research and propagation of Hawaiian goose/or nene populations throughout the year. Work performed by personnel of the National Park Service, University of Hawaii Cooperative Studies Unit, and the Hawaii State Fish and Game Division.

e. Operation of a nene breeding/propagation program by employees of the National Park Service utilizing two or more pair of captive nene, with release of banded offspring into nearby protected holding pen whereby birds are capable of free dispersal to adjacent nene habitat.

f. Stocking of nene in Haleakala Crater through release of banded birds raised in captivity by the Hawaii Division of Fish and Game on the island of Hawaii and Slimbridge, England, and transported to the island of Maui for release. Work done by employees of the Hawaii Division of Fish and Game. This stocking is an ongoing cooperative project of the National Park Service, Hawaii Division of Fish and Game, and the U.S. Fish and Wildlife Service to reestablish the nene on Maui.

g. Unavoidable minor harassment of nene and petrel populations for the purpose of monitoring populations, installing and maintaining goat-proof fencing, inspections of park facilities and field equipment, maintenance of equipment, and habitat restoration such as restocking native plant species, removal of exotic plant species, removal of feral animals, and trapping of exotic predators by personnel of the National Park Service, Hawaii Division of Fish and Game, U.S. Fish and Wildlife Service, and the University of Hawaii Cooperative Studies Unit.

h. Entry into portions of nesting habitat and limited unavoidable harassment throughout year by visitors using established trails and roadway for access into the Crater and/or summit of Haleakala. Hikers and motor vehicle harassment is significantly lighter during the nene nesting than non-nesting season.

i. Entry into area and unavoidable minor harassment by any experts or consultants invited or contracted by State and Federal agencies named above to be minimized by subjecting populations to as little disturbance as possible.

j. Projects outlined above many include temporary holding for inspection or banding some live nene or petrels. The populations will be subjected to as little disturbance as possible. Specimens which are debilitated, or are sick or injured may be kept in furtherance of research efforts such as food habit, parasite, and disease studies. Live collections to be returned to park habitat upon recovery and/or carcasses to be deposited in accordance with instructions from the Fish and Wildlife Service.

k. Additional research on population dynamics, behavior, ecology, or habitat requirements may be required in the future by the National Park Service, University of Hawaii Cooperative Studies Unit, Hawaii Fish

and Game, or the U.S. Fish and Wildlife Service to obtain additional information needed to help perpetuate these species in the wild.

(6) Not applicable.

(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 permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit: January 1, 1977.

(9) Date April 26, 1976.

(10) Hugo H. Huntzinger, Superintendent, Haleakala National Park.

(11) Additional information as requested in Form 50 CFR 17, / 17.23 "zoological, educational, scientific, or propagation permits."

(12) Description of wildlife to be covered in the permit. Scientific name: *Pterodroma phaeopygia sandwichensis*, and *Branta sandwicensis*. Common name: dark-rumped petrel, and nene or Hawaiian goose.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Makawao, Hawaii, October 15, 1976.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement,
Fish and Wildlife Service,
Washington, D.C. 20240

DEAR MR. BAVIN: In response to your letter, reference FWS/LE PRT 2-267-07, we are happy to provide the additional information needed to process our endangered species permit application.

Our permit application stated that nene breeding stock are obtained from the Island of Hawaii and from Slimbridge, England. Actually that statement may be a bit confusing, and what we meant was that the original breeding stock came from Slimbridge, England. We do not plan to obtain any birds from England in the future.

I hope this clarifies the permit application ad that it can be processed without further delay. However, if you do have additional questions please feel free to contact me.

Sincerely yours,

HUGO H. HUNTZINGER,
Superintendent.

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 submtting 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 2-267-07; please refer to this number when submitting comments. All relevant comments received on or before December 6, 1976, will be considered.

Dated: October 29, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, United States Fish and Wildlife Service.

[FR Doc.76-32570 Filed 11-4-76;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. U.S. Fish and Wildlife Service, Ecological Services, 1504—3rd Avenue, County Building, Rock Island, Illinois 61201.

Bruce Klein, Acting Field Supervisor.

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. Biologists of the RIAO sample areas of the Mississippi River to locate and determine the species composition of freshwater mussel beds. Using a non-species-descriminante crowfoot-bar dredge, L. higginsi has been collected at two areas and could be collected again without prior knowledge.

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
Ecological Services
1504 3rd Avenue-County Building
Rock Island, IL 61201

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
The review of federally funded or permitted water resource activities.

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.
Area Supervisor 309-788-3991

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Mississippi River in Missouri, Iowa, Illinois, Minnesota, and Wisconsin

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)
Collecting permits Illinois & Iowa

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: April 1, 1977

11. DURATION NEEDED: Indefinitely

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) — BRUCE KLEIN, Acting Field Supervisor — DATE 8/23/76

3-200
10/74

1. We are seeking a permit to collect post-larval Higgin's eye pearly mussel (Lampsilis higginsi) of both sexes. The collecting method to be used (crow-foot-bar dredge or brail) is not selective as to sex, but smaller and younger individuals will be taken with less frequency. No larvae will be taken. We propose to take as few as is necessary to establish the presence of the Higgins' eye pearly mussel in a particular mussel bed, generally less than five individuals per bed. Our purpose is to provide special protection to mussel beds containing endangered species and significant populations of other mussel species.

2. The animals we propose to collect are currently in the wild.

3. L. higginsi is difficult to identify, as are most of the mussels. To assure accurate identification of the mussels collected, specimens from each sample site are sent to Dr. David Stansbery at the Ohio State University Museum. One to five L. higginsi from each mussel bed will be sent to Dr. Stansbery for positive identification. Any additional individuals collected from the same mussel bed will be immediately returned to the river.

4. N/A.

5. Ohio State University Museum, Museum of Zoology, 1813 North High, Columbus, Ohio 43210.

6. N/A.

7. No contracts or agreements are involved.

8. (i) Biologists of the Rock Island Area Office, as part of their normal duties in the review of federally funded on permitted water resource activities, sample areas of the Mississippi River to locate and determine the

species composition of freshwater mussel beds. During 1975, we collected L. higginsi at two locations and they could be found again at any time during routine sampling at other areas.

(ii) Sampling is conducted from April to October annually at selected sites. The non-species descriminante crowfoot-bar dredge or brial, the same technique used for the commercial harvest of freshwater mussels, will be used for sample collection. Not every mussel bed will be sampled every year.

(iii) When we know where L. higginsi occurs, we will be able to give those areas special protection in our review of federal permits and water resource development projects. We may also make a contribution toward the identification of critical habitat for the species.

(iv) Any specimen not identified as Higgins' eye pearly mussel in the field will be sent to Dr. Stansbery for identification and become part of the Ohio State University Museum collection.

U.S. DEPARTMENT OF THE INTERIOR,
Fish and Wildlife Service, Rock Island, County Office Building, Rock Island, Illinois. October 6, 1976.

MR. C. R. BAVIN, Chief,
Division of Law Enforcement,
U.S. Department of the Interior,
Fish and Wildlife Service,
18th & C Streets,
Washington, D.C.

DEAR MR. BAVIN: This replies to your September 21, 1976, letter requesting more information on our application for a permit to collect, for scientific purposes, Higgin's eye pearly mussel (Lampsilis higginsi).

The information required by 50 CFR 17.22 (6) is not applicable as we have no intention of keeping live specimens. Only shells cleaned of all flesh are sent to Dr. Stansbery at the Ohio State University Museum for identification. It would be impossible for us to ship live mussels. After several (1-5) specimens of Lampsilis higginsi have been obtained from a bed any additional individuals collected from the same mussel bed would be immediately returned to the river.

In reference to subparagraph 6V, in the past five years we have had no live individuals in captivity, however our activities have resulted in the collection of two individuals from the wild. Both were killed before shipment to Dr. Stansbery for identification.

Enclosed are copies of correspondence with Dr. Stansbery pertaining to our agreement with him to identify freshwater mussels for us.

Please let us know if any further information is necessary.

Sincerely yours,

BRUCE KLEIN,
Acting Field Supervisor.

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 2-367-07; please refer to this number when submitting comments. All relevant comments received on or before December 6, 1976 will be considered.

Dated: October 29, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, United States Fish and Wildlife Service.

[FR Doc.76-32571 Filed 11-4-76:8:45 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. Ohio Cooperative Fishery Research Unit, U.S. Fish and Wildlife Service, 1735 Neil Avenue, Columbus, Ohio 43210. Dr. Bernard L. Griswold.

FORM 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.
To conduct research activities leading to the recovery of the endangered population of the Scioto madtom, Noturus trautmani. Activities include collection of information on population's status and distribution, determination of critical habitat and adverse environmental factors. Such studies necessitate the taking as defined in Sec. 3(14) of the Endangered Species Act.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Ohio Cooperative Fishery Research Unit
U. S. Fish and Wildlife Service
1735 Neil Avenue
Columbus, OH 43210

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
Dr. Bernard L. Griswold, Leader, OCFRU

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U. S. Fish & Wildlife Service
Department of the Interior

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lynn A. Greenwalt, Director, USFWS
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout the geographic range of the Scioto madtom (Noturus trautmani), which is believed to be inclusively within the Scioto River watershed, principally Big Darby Creek, in central Ohio.

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)
NA

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
Upon submission

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.

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) Bernard Griswold
DATE 9-8-76

3-200
(6/74)

ATTACHMENT CONCERNING INFORMATION ACCORDING TO 50 CFR 17.22

(1) Common name—Scioto madtom. Scientific name—*Noturus trautmani*. The taking of as many individuals as is possible for the purpose of holding and reproducing in laboratory conditions.

(2) The endangered wildlife sought is still in the wild.

(3) The applicant will attempt to obtain the Scioto madtom by using only "saving" type gear which will permit live collection of animals. Such gear will include the use of seines and small minnow traps in riffle areas and a small pulsing d.c. electroshocker in deep pool areas. This type electroshocker does not induce tetany in fishes and, while it is an effective sampling device, results in negligible stress on fish of the catfish family.

(4) NA.

(5) Endangered fish collected under this permit be maintained at the aquarium of the Columbus Zoo, 9990 Riverside Drive, Dublin, Ohio.

(6i) The wildlife will be housed in 20–50 gallon aquaria in the tank room of the large public aquarium of the Columbus Zoological Gardens. The aquaria will be supplied by filtered, heated, aerated, deionized well-water in a flow-through system. (See photos enclosed.)

(6ii) The caretaker of the endangered fish, if collected, will be Mr. Arthur Hegedus, Curator of Fishes for the Columbus Zoo for 15 years. While he has never kept Noturus trautmani, he has considerable experience in maintaining and breeding many species of ictalurids for zoological purposes.

(6iii) The applicant is willing to participate in a breeding program and contribute all information gained on breeding procedures.

(6iv) The endangered fish will be transported approximately 30 miles from the collection sites to the Columbus Zoo immediately upon its capture. The container will be a 50-gallon fiberglass transporting tank with battery powered agitator, a type used frequently in FWS hatchery operations.

(6v) No mortalities have occurred.

(7) Activities are authorized by the F.Y. 77 Endangered Species Program Advice signed August 3, 1976 by Endangered Species Program Manager, Keith Schreiner.

(8i) Authorization is sought for the collection and artificial propagation of the Scioto madtom as authorized by the abovementioned program advice.

(8ii) Extensive use of seines, minnow trap lines, and pulsing d.c. electro-fishing will be used in a systematic manner throughout the entire known range of the Scioto madtom, which is generally defined as the entire drainage basin of Big Darby Creek in central Ohio. Natural breeding will be attempted in the laboratory if collection is successful by providing proper habitat (i.e. bottom type, cover, temperature and photoperiod regimes, etc.) so that maximum survival of young is insured.

(8iii) These activities are directly related to the objective stated by the Program Advice, "to collect and propagate" the Scioto madtom.

(8iv) Upon satisfactory propagation of this species in numbers large enough to insure its survival, specimens will be returned to the wild.

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, N.W., 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 2-304-07; please refer to this number when submitting comments. All relevant comments received on or before December 6, 1976, will be considered.

Dated: October 29, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement United States Fish and Wildlife Service.

[FR Doc.76-32569 Filed 11-4-76;8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 a.m. on Wednesday, December 1, 1976, 26 Federal Plaza, Room 305A, New York, New York. The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York, New York.
Archibald S. Alexander, Bernardsville, New Jersey.
John F. Haggerty, Forest Hills, New York.
Orin Lehman, New York, New York.
Gordon N. Litwin, Little Silver, New Jersey.
Terrence D. Moore, Newark, New Jersey.
Sheldon Pollack, New York, New York.
Barbara Reach, New York, New York.
Richard J. Sullivan, Hoboken, New Jersey.
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York.

The matters to be discussed at this meeting include:

1. Planning status report.
2. Operations status report.
3. Sub-committee report presentations.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Joe Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code (212) 252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: October 22, 1976.

JOE ANTOSCA,
Superintendent.

[FR Doc.76-32566 Filed 11-4-76;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

WATER QUALITY OBJECTIVES GREAT LAKES

Public Hearings

The International Joint Commission (IJC) invites comments from the public to water quality objectives proposed by its Water Quality Board for amendment to the Canada-United States Great Lakes Water Quality Agreement of 1972.

Comments may be presented in person at hearings beginning at 9:30 a.m. in Windsor, Ontario at the Cleary Auditorium on both December 7 and 8. Written briefs will be accepted in lieu of or supplementary to oral presentations.

A hearing fact sheet (furnished upon request) describes the procedures which the IJC will use in conducting the two days of hearings. Further, it details the information which attendees and presentors need to know to participate effectively in the proceedings.

The twenty-nine objectives proposed include several metals, PCBs, numerous pesticides and other persistent toxic substances, oil and petrochemicals, pH, and fluoride. The Board has also recommended revision of Annex I of the Agreement to clarify the basic concepts of non-degradation and enhancement, and the definition of mixing zones.

WILLIAM A. BULLARD,
Secretary.

NOVEMBER 1, 1976.

Objectives of the 1972 Great Lakes Water Quality Agreement are not standards; they are not enforceable. However, the objectives are goals toward which the two Federal Governments have agreed to work through cooperative programs and remedial measures. Further, Canada and Ontario have agreed that specific water quality objectives in the Agreement shall be the minimal objectives they will use in establishing their standards and other regulatory requirements, and the Great Lakes States usually adopt or incorporate the Agreement objectives in their federally approved water quality standards for the boundary waters within their jurisdictions.

Citizens may request copies of the fact sheet or general information about the objectives from the International Joint Commission's Regional Office for the Great Lakes Water Quality, 8th Floor, 100 Ouellette Avenue, Windsor, N9A 6T3, Ontario, Canada.

Dated: November 1, 1976.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Suite 200, 1717 H St., N.W., Washington, D.C. 20440, STOP 86, 202-296-2142.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario, Canada KIP 5H3, 613-992-2945.

[FR Doc.76-32632 Filed 11-4-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

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 guar-

antees 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 caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plant 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 1st day of November 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Oct. 29, 1976

Name of applicant	Location of enterprise	Principal product or activity
The Now Corp	St. Albans, W. Va	Sales and distribution of educational mixed media programs.
Key-White Video, Inc	Putnam County, W. Va.	Community cable television service.
Electrocom, Inc	Vienna, W. Va	Radio broadcast, transmission, and sales facilities.
Continental Clay Products Co	Martinsburg, W. Va	Manufacture of bricks.
Julian Ernest Carr	Plymouth, N.C	Trucking.
The Gastonia Mill Supply Co	Gastonia, N.C	Distribution of industrial tools and related services.
Dawsey Homes, Inc	Lake Waccamaw, N.C.	Intermediate care nursing home.
Norman Albert Mott, Jr	Yazoo City, Miss	Printing and publishing.
Lace Rest Homes, Inc	Brooks County, Ga	Rest home for the aged.
Bobby H. O'Neal (Craftext, Inc.)	Newport, N.C	Manufacture of knit outerwear.
Becker Sand & Gravel Co., Inc	Cheraw, S.C	Quarrying of sand and gravel.
QX Petroleum Inc	Lugoff, S.C	Lubricants.
Jefferson Memorial Hospital Association	Mount Vernon, Ill	Hospital.
C-K Video, Inc	Lawrence County, Ohio.	Community antenna television service.
Modern Marine Manufacturing Co. (tenant of city of Richland).	Richland, Mo	Manufacturing motor yachts.
Richland Furniture Manufacturing Co. (tenant of city of Richland).	do	Manufacturing furniture.
Roker Industries, Inc	Tempe, Ariz	Manufacture of mobile homes at plants located in Stephenville, Tex.; Riverside, Calif.; Neligh, Nebr.; and Sarasota, Fla.

[FR Doc.76-32612 Filed 11-4-76;8:45 am]

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 3303(b)(1) OF THE INTERNAL REVENUE CODE OF 1954

In accordance with the provisions of paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named States which heretofore have been certified pursuant to paragraph (3) of section 3303(b) of the Code, to the Seeretary of the Treasury for the 12-month period ending October 31, 1976.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Oregon
Massachusetts
Pennyslvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Signed at Washington, D.C., this 31st day of October 1976.

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

[FR Doc.76-32650 Filed 11-4-76;8:45 am]

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 3304 OF THE INTERNAL REVENUE CODE OF 1954

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the following named States to the Secretary of the Treasury for the 12-month period ending October 31, 1976, in regard to the unemployment compensation laws of those States which heretofore have been approved under the Federal Unemployment Tax Act.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Signed at Washington, D.C. this 31st day of October 1976.

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

[FR Doc.76-32651 Filed 11-4-76;8:45 am]

[TA-W-1,168]

ABRAHAM ECKHAUS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated September 28, 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 Abraham Eckhaus, New York, New York (TA-W-1,168). 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 trousers produced by Abraham Eckhauss 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32654 Filed 11-4-76;8:45 am]

[TA-W-1,170]

ALLEGRO SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated October 5, 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 Allegro Shoe Corporation, Little Falls, New York, a division of Cosmos Footwear Corporation, New York, New York (TA-W-1,170).

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 ladies' shoes and boots produced by Allegro 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 accordancce 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32652 Filed 11-4-76;8:45 am]

[TA-W-999]

AMERICAN MOTORS CORP.

Notice of Determinaitons 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-999: investigation regarding certifications of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 27, 1976 in response to worker petitions (TA-W-997-999) received on the same date which were filed by the International Union, United Automobile, Aeospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of intermediate size cars, subcompact cars, compact cars, luxury small cars and components for such cars at three (3) plants of the American Motors Corporation (AMC), Southfield, Michigan. This determination applies to only those workers at the Kenosha, Wisconsin plant engaged in employment related to the assembly of American Motors' automobiles in the above mentioned car classes.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 32917) on August 6, 1976. No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of American Motors Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as sistance, 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.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average hourly employment of workers employed on the assembly line at the

Kenosha, Wisconsin plant of AMC decreased 3.1 percent from (model year) MY 1974 to MY 1975 and decreased 15.7 percent in the first three quarters of MY 1976 compared to the same period in MY 1975. Average hourly employment of workers employed in production support functions, who also performed duties related to the final assembly process, increased 2.7 percent from MY 1974 to MY 1975 and decreased 6.4 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

Average salaried employment for the Kenosha plant as a whole declined 10.1 percent in the first three quarters of MY 1976 compared to MY 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The Kenosha, Wisconsin plant is the only domestic plant operated by American Motors Corporation that assembles automobiles.

Production of subcompact cars at the Kenosha plant declined 39.4 percent from MY 1974 to MY 1975 and declined 15.8 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

Production of compact cars at the Kenosha plant declined 25.5 percent from MY 1974 to MY 1975 and decreased 21.0 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

Production of luxury small cars did not begin at the Kenosha plant until MY 1975. In the first three quarters of MY 1976, production of luxury small cars at the Kenosha plant was 16.7 percent above levels for the first three quarters of MY 1975.

Production of intermediate size cars at the Kenosha plant declined 20.6 percent from MY 1974 to MY 1975 and declined 44.8 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

INCREASED IMPORTS

Imports of all new cars declined 21.3 percent from MY 1973 to MY 1974, increased 7.0 percent from MY 1974 to MY 1975, and then decreased 6.0 percent in the first three quarters of MY 1976 compared to the first three quarters of MY 1975. The share of domestic consumption held by imports decreased from 23.7 percent in MY 1973 to 23.2 percent in MY 1974 and then increased to 28.5 percent in MY 1975. In the first three quarters of MY 1976, the share of the market held by imports fell to 21.9 percent.

SUBCOMPACT CAR MARKET

Sales of imported subcompact cars decreased from 1654.7 thousand units comprising 66.3 percent of the U.S. subcompact market in MY 1973 to 1313.1 thousand units comprising 65.9 percent of the market in MY 1974. In MY 1975, import sales increased to 1395.5 thousand units and increased their share of the total domestic market to 74.5 percent. In the first three quarters of MY 1976, sales of imported subcompact cars were 915.6 thousand units comprising 75.9 percent of the market compared to 995.5 thousand units comprising 74.8 percent in the same period in MY 1975.

COMPACT CAR MARKET

Sales of imported compact cars decreased from 344.4 thousand units comprising 17.4 percent of the domestic market in MY 1973 to 238.3 thousand units comprising 13.2 percent of the market in MY 1974. In MY 1975, imports sales declined to 114.1 thousand units comprising 7.8 percent of the domestic market. In the first three quarters of MY 1976, sales of imports were 39.2 thousand units comprising 3.8 percent of the market compared to 93.5 thousand units comprising 8.5 percent of the market for the same period of MY 1975.

LUXURY SMALL CAR MARKET

Sales of imported luxury small cars decreased from 250.8 thousand units comprising 100.0 percent of the domestic market in MY 1973 to 223.1 thousand units comprising 35.7 percent of the market in MY 1974. In MY 1975, sales of imports increased to 354.0 thousand units comprising 36.1 percent of the market. In the first three quarters of MY 1976, sales of imports were 198.1 thousand units comprising 17.2 percent of the domestic market compared to 261.3 thousand units comprising 38.0 percent of the market in the same period of MY 1975.

INTERMEDIATE SIZE CAR MARKET

Sales of imported intermediate size cars increased from 265.1 thousand units comprising 9.7 percent of the domestic market in MY 1973 to 269.2 thousand units comprising 11.7 percent of the market in MY 1974. In MY 1975, import sales declined to 189.4 thousand units comprising 9.9 percent of the market. In the first three quarters of MY 1976, sales of imports were 212.4 thousand units comprising 10.5 percent of the domestic market compared to 131.0 thousand units comprising 9.4 percent of the market for the same period in MY 1975.

CONTRIBUTED IMPORTANTLY

Specifically, the issue in this case is the degree to which imported cars of all types have adversely affected domestic sales and production of American Motors subcompact, compact, luxury small, and intermediate size cars and employment related to such production.

All imports of cars in the compact, intermediate or full size car classes come from Canada and are manufactured by one of the domestic auto manufacturers. These imports are indistinguishable from the same make and model cars produced domestically and have had their most direct impact on sales of domestically built cars in the same class.

Data on imports of subcompact, compact and luxury small cars indicates that the adverse impact of imports in one car class on domestic production in other car classes was negligible.

The Department's investigation revealed that sales and production of domestically built subcompact, compact, luxury and intermediate size cars have been little affected by increased imports of autos outside of their respective classes. Consequently, the following analysis is devoted mainly to determining the extent of injury to domestically built subcompact, compact, luxury small and intermediate size cars caused by imported cars within those same classes.

SUBCOMPACT CARS

Subcompact car imports are produced by American based companies, primarily in Canada, and by foreign-based companies in countries other than Canada. In the first three quarters of MY 1976, 12.5 percent of subcompact imports were built in Canada and 87.5 percent were built overseas. The cars built in Canada are indistinguishable from the same make and model cars produced at U.S. plants.

American Motors' share of the domestic subcompact car market, excluding company imports, declined from 6.2 percent in MY 1974 to 3.5 percent in MY 1975 and remained at that level in the first three quarters of MY 1976. The market share held by other foreign and Canadian imports (excluding American Motors') increased over the period (at the expense of all domestic producers) from 64.7 percent in MY 1974 to 74.1 percent in MY 1975 and then to 75.3 percent in the first three quarters of MY 1976. The market share held by other domestically produced cars declined steadily over the period from 27.9 percent in MY 1974 to 20.6 percent in the first three quarters of MY 1976.

The only subcompact car marketed by American Motors is the Gremlin, which is assembled in the Kenosha, Wisconsin assembly plant of AMC. The Gremlin is also the only subcompact car imported by AMC from Canada into the U.S. In the first three quarters of MY 1976, subcompact car production represented 19.7 percent of total automobile production at Kenosha. Total production of subcompact cars at the Kenosha plant declined 39.4 percent from MY 1974 to MY 1975 and declined 15.8 percent in the first three quarters of MY 1976 compared to the first three quarters of MY 1975.

In the first three quarters of MY 1976, American Motors' imports of subcompact cars from Canada, which are indistinguishable from domestically produced AMC subcompact cars, increased 44.0 percent and expanded their share of the domestic subcompact car market. Company imports represented 16.5 percent of domestic AMC subcompact car production in the first three quarters of MY 1976, up from 9.7 percent for the same period in MY 1975. The increase in company imports accounted for 26.8 percent of the decline in subcompact car production at Kenosha.

In the first three quarters of FY 1976, aggregate and company imports increased their share of the domestic market while domestic production and retail sales of American Motors' subcompact cars declined. It is concluded that

increased imports contributed importantly to the decreased sales and production of subcompact cars at the Kenosha, Wisconsin plant of American Motors Corporation.

COMPACT CARS

The only compact car imports are the Ford Maverick and American Motors Hornet, which are produced by the American-based companies in Canadian facilities. These imports are indistinguishable from the same make and model cars produced at U.S. plants. The only compact car produced domestically by American Motors is the Hornet.

As a class, imports of compact cars declined. This petition, however, presents a unique situation involving an American Motors compact car which is like in every respect with the American Motors compact car imported from Canada. Consequently, the product considered like or directly competitive for the purpose of determining whether increased imports contributed importantly to the separation of the workers and to the decline in sales or production of the firm is the imported compact Hornet which is a direct substitute for the domestically produced Hornet.

Canadian imports of the AMC Hornet only declined 11.9 percent from MY 1974 to MY 1975 while increasing their market share 12.5 percent (from 1.6 percent to 1.8 percent). In the first three quarters of MY 1976, imports of the AMC Hornet increased 25.1 percent compared to the same period in MY 1975 and increased their market share 22.2 percent (from 1.8 percent to 2.2 percent) over MY 1975. In the first three quarters of MY 1976, retail sales of domestically produced Hornets declined 2.0 percent and their market share only increased 4.0 percent compared to MY 1975. Company imports of Canadian produced Hornets represented 35.1 percent of domestic AMC compact car production in the first three quarters of MY 1976, up from 2.2 percent for the same period in MY 1975. The increase in American Motors' imports accounted for 26.5 percent of the decline in AMC domestic compact production.

All domestically produced American Motors compact cars are assembled in the Kenosha, Wisconsin assembly plant of AMC. In the first three quarters of MY 1976, compact car production represented 29.3 precent of total automobile production at Kenosha. Total production of compact cars at the Kenosha plant declined 25.5 percent from MY 1974 to MY 1975 and declined 21.0 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

It is concluded that increased imports contributed importantly to decreased sales and production of compact cars at the Kenosha, Wisconsin plant of American Motors Corporation.

LUXURY SMALL CARS

Luxury small car imports are produced by American-based companies, primarily in Canada, and by foreign-based companies in countries other than Canada. In the first three quarters of MY 1976, 38.7 percent of luxury small car imports were built in Canada and 61.3 percent were built overseas. The cars built in Canada are indistinguishable from the same make and model cars produced at U.S. plants. American Motors Corporation only markets one car in the luxury small class, the Pacer. The luxury small Pacer is not imported from Canada into the U.S. by AMC. The only Pacers marketed in the U.S. are assembled in the Kenosha, Wisconsin plant of AMC.

Luxury small cars were not produced in the U.S. until MY 1974. Sales of domestically produced luxury small cars increased 55.8 percent from MY 1974 to MY 1975 and then increased 124.2 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

American Motors did not begin to market the luxury small Pacer until MY 1975 when they captured 7.6 percent of the U.S. Market. In the first three quarters of MY 1976, American Motors' luxury small car market share declined to 5.7 percent.

Production of the luxury small Pacer began in MY 1975 when 111.2 thousand units were produced. In the first three quarters of MY 1976, luxury small car production represented 36.0 percent of total automobile production at Kenosha. In the first three quarters of MY 1976, production of luxury small Pacers increased 16.7 percent compared to the same period in MY 1975.

American Motors did experience declining production of the luxury small Pacer in the second and third quarters of MY 1976 and their share of the luxury small car market declined 25.0 percent in the first three quarters of MY 1976 compared to MY 1975. These declines, however, occurred at a time when imports of luxury small cars, Canadian and other foreign, were declining absolutely and relative to domestic consumption at a much faster rate.

Absolute imports of Canadian and other foreign produced luxury small cars declined 16.3 percent and 28.5 percent, respectively, in the first three quarters of MY 1976 compared to the same period in MY 1975. The share of the domestic market held by Canadian imports declined 49.6 percent in the first three quarters of MY 1976 compared to MY 1975. At the same time, the share of the domestic market held by other foreign imports declined 54.0 percent. Retail sales of other domestically manufactured luxury small cars increased absolutely by 511.5 thousand units and relative to domestic consumption by 40.2 percent from 55.0 percent in the first three quarters of MY 1975 to 77.1 percent in the first three quarters of MY 1976.

Based on these figures it is concluded that luxury small cars are not being imported in increased quantities as required by section 222(3) of the Act. It is further concluded that the erosion in AMC's market position and the declines in production were due to increased competition from other domestically manufactured automobiles.

INTERMEDIATE SIZE CARS

The only intermediate size car imports are produced by American-based companies in Canadian facilities. These imports are indistinguishable from the same make and model cars produced at U.S. plants. American Motors Corporation only markets one car in the intermediate size class, the Matador. The Matador is not imported from Canada into the U.S. by AMC. The only Matadors marketed in the U.S. are assembled in the Kenosha, Wisconsin plant of AMC.

Sales of imported intermediate size cars increased 1.6 percent from MY 1973 to MY 1974, decreased 29.6 percent from MY 1974 to MY 1975 and increased 62.1 percent in the first three quarters of MY 1976 compared to the same period in MY 1975. Sales of other domestically manufactured intermediate size cars decreased 19.4 percent from MY 1973 to MY 1974, decreased 14.9 percent from MY 1974 to MY 1975, and increased 46.7 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

The ratio of imports to domestic consumption (retail sales) of intermediate size cars increased from 9.7 percent in MY 1973 to 11.7 percent in MY 1974, declined to 9.9 percent in MY 1975 and then increased to 10.5 percent in the first three quarters of MY 1976.

In the first three quarters of MY 1976, only General Motors Corporation increased its share of the intermediate car market compared to the same period in MY 1975. This increased share was supplied mainly by increasing domestic production of intermediates, although the company continued to import intermediates from its Canadian facilities. However, Chrysler Corporation produced two lines of intermediates that captured a larger share of the domestic market. These lines of intermediates were produced exclusively in Canada and increased their market share 24.3 percent, from 7.0 percent to 8.7 percent. The imports accounted for approximately 80.0 percent of total imports for the first three quarters of MY 1976.

American Motors' share of the domestic intermediate size car market declined from 3.4 percent in MY 1974 to 3.3 percent in MY 1975 and then declined to 1.7 percent in the first three quarters of MY 1976. In the first three quarters of MY 1976, intermediate size car production represented 15.0 percent of total automobile production at Kenosha.

Total production of intermediate size cars at the Kenosha plant declined 20.6 percent from MY 1974 to MY 1975 and declined 44.8 percent in the first three quarters of MY 1976 compared to the same period in MY 1975.

In the first three quarters of MY 1976, imports of intermediate size cars increased absolutely and relative to domestic consumption while domestic production and retail sales of American Motors' intermediate size cars declined. It is concluded that increased imports of intermediate size cars contributed impor-

tantly to the declines in sales or production of intermediate size cars at the Kenosha, Wisconsin plant of American Motors Corporation.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with subcompact, compact or intermediate size cars produced at the Kenosha, Wisconsin plant of American Motors Corporation contributed importantly to the total or partial separation of the workers engaged in employment related to the production of the cars at that plant.

I further conclude that increases of imports like or directly competitive with luxury small cars produced at the Kenosha, Wisconsin plant of American Motors Corporation did not contribute importantly to the total or partial separation of the workers engaged in employment related to the production of such cars at that plant.

In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers of the American Motors Corporation, Kenosha, Wisconsin plant (TA-W-999), engaged in employment related to the assembly of American Motors subcompact, compact or intermediate size cars who became totally or partially separated on or after October 1, 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 October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32653 Filed 11-4-76;8:45 am]

[TA-W-1,191]

BLEEKER STREET

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Bleeker Street, Philadelphia, Pennsylvania, a division of Jonathan Logan, New York, New York (TA-W-1,191). 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 dresses produced by Bleeker Street 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 related, 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32655 Filed 11-4-76;8:45 am]

[TA-W-1,008]

BROWN SHOE 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-1,008: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 30, 1976 in response to a worker petition received on July 30, 1976 which was filed on behalf of workers and former workers producing component parts for shoes at the Steelville, Missouri plant of the Brown Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34392). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe 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 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

The average number of workers involved in the production of stripping declined 37.7 percent in 1975 compared to 1974 and then increased 10.0 percent in the first eighteen weeks of 1976 compared to the same time period of the previous year. The average number of salaried workers declined 20.0 percent in 1975 compared to 1974 and remained constant in the first eighteen weeks of 1976 compared to the same time period of the previous year.

The average number of workers involved in the production of component parts for shoes declined 25.8 percent in 1975 compared to 1974 and then increased 11.0 percent in the first eighteen weeks of 1976 compared to the same time period of the previous year. The average number of salaried workers declined 9.1 percent in 1975 compared to 1974 and then increased 10.0 percent in the first eighteen weeks of 1976 compared to the same time period of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Steelville, Missouri plant of Brown Shoe Company is part of an integrated operation. All products are transferred to other Brown Shoe plants and used in the production of finished men's, women's and children's shoes.

Transfers in dollar value of stripping by the Steelville, Missouri plant of Brown Shoe Company declined 52.0 percent in 1975 compared to 1974 and then increased 17.2 percent in the first six months of 1976 compared to the corresponding time period in 1975.

Transfers in dollar value of all other components parts for shoes from the Steelville, Missouri plant declined 20.9 percent in 1975 compared to 1974 and

then increased 36.6 percent in the first six months of 1976 compared to the corresponding time period in 1975.

The following data for Brown Shoe Company are given in terms of fiscal years, beginning in November and ending in October.

Sales of men's shoes by the Brown Shoe Company declined 26.0 percent in FY 1975 compared by FY 1974 and then increased 52.5 precent in the first eight months of FY 1976 compared to the corresponding time period in FY 1975.

Sales of women's shoes by the Brown Shoe Company declined 17.2 percent in FY 1975 compared to FY 1974 and then increased 25.1 percent in the first eight months of FY 1976 compared to the corresponding time period in FY 1975.

Sales of children's shoes by the Brown Shoe Company declined 3.7 percent in FY 1975 compared to FY 1974 and then increased 8.0 percent in the first eight months of FY 1976 compared to the corresponding time period in FY 1975.

INCREASED IMPORTS

Imports of men's dress and casual footwear increased absolutely and relatively in 1972 compared to 1971 and in 1973 compared to 1972. Imports declined absolutely and relatively in 1974 compared to 1973 and then increased absolutely and relatively in 1975 compared to 1974. The ratios of imports to domestic production and consumption increased to 58.4 percent and 36.9 percent, respectively, in 1975 compared to 53.5 percent and 34.9 percent, respectively, in 1974. Imports increased absolutely and relatively in the first six months of 1976 compared to the corresponding time period in 1975. The ratios of imports to domestic production and consumption increased to 63.8 percent and 38.9 percent, respectively, in the first six months of 1976, compared to 58.7 percent and 37.0 percent, respectively in the corresponding time period in 1975.

Imports of women's and misses' nonrubber footwear increased absolutely and relatively in 1972 compared to 1971 and in 1973 compared to 1972. Imports declined absolutely and relatively in 1974 compared to 1973 and then increased absolutely in 1975 compared to 1974. The ratios of imports to domestic production and consumption declined to 101.0 percent and 50.3 percent, respectively, in 1975, compared to 102.6 percent and 50.6 percent, respectively, in 1974. Imports increased absolutely in the first six months of 1976 compared to the corresponding time period in 1975. The ratios of imports to domestic production and consumption declined to 94.6 percent and 48.6 percent, respectively, in the first six months of 1976 compared to 107.8 percent and 51.9 percent, respectively, in the corresponding time period in 1975.

Imports of children's nonrubber footwear increased absolutely and relatively in 1972 compared to 1971, declined absolutely and relatively in 1973 compared to 1972, and then increased relatively from 1973 to 1974. Imports increased relatively in 1975 compared to 1974. The ratios of imports to domestic production and consumption increased to 64.5 percent and 39.2 percent, respectively in 1975, compared to 59.2 percent and 37.2 percent, respectively, in 1974. Imports increased relatively in the first six months of 1976 compared to the corresponding time period in 1975. The ratios of imports to domestic production and consumption increased to 75.2 percent and 42.9 percent, respectively, in the first six months of 1976 compared to 73.5 percent and 42.4 percent, respectively, in the corresponding time period in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the Department's investigation revealed that production and employment at the Steelville, Missouri plant of Brown Shoe Company were adversely affected by imports.

Production at the Steelville, Missouri plant is part of an integrated operation. All parts produced at the Steelville plant are transferred to other Brown Shoe plants and used in the production of finished men's, women's and children's shoes. Since April 1975, the U.S. Department of Labor has determined that increased imports of footwear contributed importantly to the total or partial separations at two men's footwear plants, six women's footwear plants, and one children's footwear plant of Brown Shoe Company. In those cases, customers indicated that increased imports of men's, women's, and children's footwear influenced their decisions to reduce purchases from Brown Shoe Company in 1975 compared to 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's, women's, and children's shoes produced by the Brown Shoe Company contributed importantly to the total or partial separations of the workers of the Steelville, Missouri plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of component parts for men's, women's, and children's shoes at the Steelville, Missouri plant of Brown Shoe Company, St. Louis, Missouri who became totally or partially separated from employment on or after June 20, 1975 and before May 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 22nd day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32656 Filed 11-4-76;8:45 am]

[TA-W-1,200]

CARR LEATHER CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On October 20, 1976 the Department of Labor received a petition dated October 12, 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 Carr Leather Company, Lynn, Massachusetts (TA-W-1,200). 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 tanning of leather hides by Carr Leather 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 related, 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32657 Filed 11-4-76;8:45 am]

[TA-W-1,196]

DAVJO MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the

workers and former workers of Davjo Manufacturing Company, Philadelphia, Pennsylvania (TA–W–1,196). 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 dresses produced by Davjo 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 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 November 15, 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 November 15, 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, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–32658 Filed 11–4–76;8:45 am]

[TA–W–1,195]

DEL LEE DRESS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Del Lee Dress Company, Philadelphia, Pennsylvania (TA–W–1,195). 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 dresses produced by Del Lee Dress 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 November 15, 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 November 15, 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, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 32659 Filed 11–4–76; 8:45 am]

[TA–W–1,187]

DORN SHIRT CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Dorn Shirt Company, Philadelphia, Pennsylvania (TA–W–1,187). 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 ladies' blouses produced by Dorn Shirt 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 November 15, 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 November 15, 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, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–32660 Filed 11–4–76;8:45 am]

[TA–W–1,175]

DUMOLD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated September 30, 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 Dumold Company, Brockton, Massachusetts (TA–W–1,175). 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 a plastic compound (changing physical shapes of the shoe lasts) producel by Dumold 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 be further related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32661 Filed 11-4-76;8:45 am]

[TA-W-900]

ELLISON CLOTHES, 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-900: 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 27, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's clothing at the Baltimore, Maryland plant of Ellison Clothes, Incorporated.

The Department's investigation revealed that Ellison Clothes produced men's vests, denim jackets, blazers, and jumpsuits and women's skirts during the period under investigation.

The notice of investigation was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26295). No public hearing was requested.

The information upon which the determination was made was obtained principally from officials of Ellison Clothes, Inc., the companies for which Ellison performed contract cutting and sewing and their 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 any of the other criteria have been met, the investigation has revealed that criteria (1) and (2) have not been met.

The average number of production workers at Ellison increased 9.5 percent from 1974 to 1975. Employment increased from the first quarter through the third quarter of 1975, compared to the previous quarter. Employment declined from the third to the fourth quarter of 1975, but remained 222.2 percent above the employment level in the fourth quarter of 1974. The average number of production workers increased in each quarter from the fourth quarter of 1975 through the second quarter of 1976. In the first half of 1976, employment increased 133.3 percent compared to the same period in 1975.

Average weekly hours worked at Ellison increased 4.7 percent from 1974 to 1975. Average hours increased 3.2 percent in the first six months of 1976 compared to the same period in 1975.

Total sales, by value, at Ellison Clothes increased 32.9 percent from 1974 to 1975. Sales increased from the first quarter through the third quarter of 1975, compared to the previous quarter. Sales declined from the third to the fourth quarter of 1975, but remained 265.3 percent above the sales level in the fourth quarter of 1974. Total sales increased in each quarter from the fourth quarter of 1975 through the second quarter of 1976. In the first half of 1976, total sales increased 368.2 percent compared to the first half of 1975.

Ellison Clothes produced a variety of products on a contract basis for several manufacturers. Product mix varied according to manufacturers' orders. Combined production of different articles produced is equal to sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production at the Baltimore, Maryland plant of Ellison Clothes, Incorporated have not decreased absolutely and that a significant number or proportion of the workers at that plant have not become totally or partially separated as required in Section 222 of the Trade Act of 1974. Therefore, workers and former workers of Ellison Clothes, Inc. are denied certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 28th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32662 Filed 11-4-76;8:45 am]

[TA-W-1,179]

FAIRCHILD CAMERA AND INSTRUMENT CORP.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated September 27, 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 So. Portland, Maine Digital Div. of the Components Group of Fairchild Camera and Instrument Corp., Mountainview, California (TA-W-1,179). 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 electronic components produced by Fairchild Camera and Instrument 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 of 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

ment assistance under Title II, Chapter 2, certified as eligible to apply for adjustment assistance 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32663 Filed 11-4-76;8:45 am]

[TA-W-1,172]

FOUR SEASONS FASHIONS

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated October 5, 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 Four Seasons Fashions, Monterey Park, California (TA-W-1,172). 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 sportswear produced by Four Seasons Fashions 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 related, 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32664 Filed 11-4-76;8:45 am]

[TA-W-973]

GARY GARMENT CO.

Notice of Negative Determination 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-973: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers formerly producing ladies' embroidered underwear at the Mayaguez, Puerto Rico plant of Gary Garment Company, a wholly owned subsidiary of Movie Star, Incorporated, New York, New York.

The Notice of investigation was published in the FEDERAL REGISTER (41 FR 29512) on July 16, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gary Garment Company, Movie Star, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Mayaguez, Puerto Rico plant of Gary Garment Company declined 45.4 percent in 1974 compared to 1973 and then declined 53.3 percent in the first six months of 1975 when compared to the same period in 1974.

Average annual employment of salaried employees was unchanged from 1973 to 1974. Salaried employment declined 50 percent in the first six months of 1975 when compared to the same period in 1974. All employment was terminated by June 1975.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales data were not available for Gary Garment Company. Production declined 44.5 percent in 1974 compared to 1973 and declined 74.6 percent in the first half of 1975 when compared to the same period in 1974. Production ceased on June 7, 1975.

INCREASED IMPORTS

Embroidered underwear like or directly competitive with embroidered slips, panties and petticoats produced by Gary Garment Company are not separately identified in the Tariff Schedules of the United States. Embroidered underwear are included as part of the basket category of import statistics of women's misses', and juniors' underwear. It is difficult to estimate the proportion of this basket category represented by embroidered underwear.

Imports of women's, misses' and juniors' underwear increased both in absolute terms and relative to domestic production and consumption from 1971 to 1972. Imports declined in absolute terms from 1972 to 1973 and from 1973 to 1974. Imports increased absolutely by 1.5 percent from 1974 to 1975. The ratios of imports to domestic production and consumption of 2.3 percent and 2.3 percent, respectively, in 1974 remained the same in 1975, after having declined from 1972 to 1973 and from 1973 to 1974.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the Mayaguez, Puerto Rico plant of Gary Garment Company was closed in June 1975 because of decreased

demand for embroidery on underwear. Customers who reduced purchases from Movie Star, Incorporated from 1974 to 1975 did so for reasons unrelated to imports. Most customers of Movie Star, Incorporated who were surveyed increased purchases of ladies' slips and petticoats in 1976 because of the shift in consumer demand to women's skirts and dresses from slacks. None of the customers purchase imported ladies' slips or petticoats. Customers stated that embroidered underwear has lost its popularity to more tailored styles.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' embroidered underwear produced at the Mayaguez, Puerto Rico plant of Gary Garment Company did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C. this 28th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32665 Filed 11-4-76;8:45 am]

[TA-W-1,176]

GOTHAM FIFTH AVENUE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976 the Department of Labor received a petition dated September 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 Gotham Fifth Avenue, Inc., New York, New York (TA-W-1,176).

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 suits, sport coats and slacks produced by Gotham Fifth Avenue, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32666 Filed 11-4-76;8:45 am]

[TA-W-1,169]

GTE SYLVANIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976 the Department of Labor received a petition dated October 6, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of the Batavia, New York plant of GTE Sylvania, Stamford, Connecticut (TA-W-1,169).

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 color televisions produced by GTE Sylvania 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32667 Filed 11-4-76;8:45 am]

[TA-W-1,194]

HONEYCOMB, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Honeycomb, Inc., Philadelphia, Pennsylvania (TA-W-1,194).

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 absoltue or relative increases of imports of articles like or directly competitive with women's dresses produced by Honeycomb, 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 of proportion of the workers of such firm or subdivision. The investigation will further related, 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 mat-

ter 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32668 Filed 11-4-76;8:45 am]

[TA-W-1,182]

INDIAN HEAD SHOE CO., INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated September 30, 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 Indian Head Shoe Co., Inc., Manchester, New Hampshire (TA-W-1,182). 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 athletic shoes for men and women produced by Indian Head Shoe Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32669 Filed 11-4-76;8:45 am]

[TA-W-1,197]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 1, 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 International Shoe Company, Perryville, Missouri, a subsidiary of Interco, Incorporated, St. Louis, Missouri (TA-W-1,197). 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, misses', men's and children's footwear produced by International 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 related, as appropriate, to the determination of the date on which total or partial separtions 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32670 Filed 11-4-76;8:45 am]

[TA-W-1,178]

IRVING LEIGHT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers' Union on behalf of the workers and former workers of Irving Leight, Inc. Neptune, New Jersey a division of Puritan Fashion, Corp., New York City (TA-W-1,178). 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 ladies' sportswear produced by Irving Leight, 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32671 Filed 11-4-76;8:45 am]

[TA-W-1,173]

J.H. RUTTER-REX-MFG. CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated September 30, 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 the J. H. Rutter-Rex-Mfg, Co., Inc., New Orleans, Louisiana (TA-W-1,173).

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 shirts and pants produced by J. H. Rutter-Rex-Mfg. Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32674 Filed 11-4-76;8:45 am]

[TA-W-1,184]

JACK L. INSELMAN AND CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Jack L. Inselman and Company, Philadelphia, Pennsylvania (TA-W-1,184).

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 children's coats and jackets produced by Jack L. Inselman and 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32672 Filed 11-4-76;8:45 am]

[TA-W-1,192]

JAY-EL DRESS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Jay-El Dress Company, Philadelphia, Pennsylvania, a division of Bleeker Street, Philadelphia, Pennsylvania, a division of Jonathan Logan, New York, New York. (TA-W-1,192).

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 dresses produced by Jay-El Dress 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32673 Filed 11-4-76;8:45 am]

[TA-W-1,188]

JEFF RICHARDS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated October 8, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Jeff Richards, Incorporated, Philadelphia, Pennsylvania, a division of HIP Industries, Hatboro, Pennsylvania (TA-W-1,188). 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 children's sportswear produced by Jeff Richards, 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 related, 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32675 Filed 11-4-76;8:45 am]

[TA-W-1037]

KENNETH CANNING 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-1037; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 20, 1976 in response to a worker petition received on August 20, 1976 which was filed by three workers on behalf of workers and former workers processing mushrooms at Kennett Canning Company located in Kennett Square, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kennett Canning Company and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased 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 and third criteria have been met, the second and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Kennett decreased 1.6 percent in the marketing year 1974/75 compared with the year 1973/74 and decreased 1.6 percent in 1975/76 compared with 1974/75. The marketing year extends from July 1 through June 30 of the following year.

The average number of weekly hours worked by the mushroom workers decreased 7.4 percent in the marketing year 1974/75 compared with the year 1973/74 and increased 1.5 percent in 1975/76 compared with 1974/75.

Employment at Kennett is seasonal in nature. Operations continue year-round with the exceptions of July and August when cannery operations cease. During this period of time, all workers, except for a small maintenance and labeling crew, are laid off and are then rehired beginning in late August and early September. Kennett, as do other mushroom processors in the Kennett Square area, also experiences a high rate of turnover among its employees and particularly among recently hired workers.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Kennett sales of canned mushrooms and mushrooms packed in glass jars decreased 1.5 percent in terms of quantity in the marketing year 1974/75 compared with the year 1973/74 and increased 38.3 percent in 1975/76 compared with 1974/75.

Mushroom production by Kennett Canning increased 19.6 percent in terms of quantity in the marketing year 1974/75 compared with the year 1973/74 and increased 15.5 percent in 1975/76 compared with 1974/75.

INCREASED IMPORTS

Imports of canned mushrooms, including those packed in glass jars, increased 20.3 percent in terms of quantity in the marketing year 1972/73 compared with the year 1971/72, decreased 5.6 percent in 1973/74 compared with 1972/73, increased 10.3 percent in 1974/75 compared with 1973/74 and increased 14.3 percent in 1975/76 compared with 1974/75. The ratio of imports to domestic production and consumption increased from 44.6 percent and 30.9 percent respectively, in 1974/75 to 52.6 percent and 34.5 percent respectively, in 1975/76.

CONTRIBUTED IMPORTANTLY

Customers reported that total purchases of processed mushrooms, canned and those packed in glass jars, have exhibited a steady annual increase. Not only had purchases from domestic processors increased, but most customers also purchased imported mushrooms in varying degrees and some reported increased purchases of imports. Those cus-

tomers who did import mushrooms alleged that the domestic supply of processed mushrooms was insufficient to meet domestic consumption requirements. To augment their sources of supply and meet domestic demand, these customers purchased imported mushrooms, often at prices equal to or higher than comparable domestic mushrooms. Customers reported increased purchases from Kennett Canning Company and some expressed the desire to increase purchases further if the mushrooms were available.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with mushrooms processed at the Kennett Canning Company plant located in Kennett Square, Pennsylvania did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 22nd day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32676 Filed 11-4-76;8:45 am]

[TA-W-1,199]

LIBBY ORIGINALS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1976 the Department of Labor received a petition dated October 14, 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 Libby Originals, Inc., Brooklyn, New York (TA-W-1,199). 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 ladies' sportswear produced by Libby Originals, 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32677 Filed 11-4-76;8:45 am]

[TA-W-1,183]

LOUIS BIRENBAUM

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated October 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Louis Birenbaum, Philadelphia, Pennsylvania (TA-W-1,183).

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 ladies' slacks produced by Louis Birenbaum 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32678 Filed 11-4-76;8:45 am]

[TA-W-1,185]

LOUIS CLARK, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Louis Clark, Inc., Philadelphia, Pennsylvania (TA-W-1,185).

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 ladies' blouses produced by Louis Clark, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32679 Filed 11-4-76;8:45 am]

[TA-W-1011]

MARLBORO FOOTWEAR 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-1011: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 6, 1976 in response to a worker petition received on that date which was filed by the workers and former workers producing women's shoes at the Marlboro Footwear Corporation, Marlboro, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on August 17, 1976 (41 FR 34839). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marlboro Footwear Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that although the third criterion has been met, the first, second, and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers increased 30 percent from 1974 to 1975 and increased 12 percent in the first seven months of 1976 when compared to the same period in 1975. Average employment increased in each quarter of 1975 and in the first two quarters of 1976 when compared to the same quarter of the previous year.

The average weekly hours worked per production employee increased 9.9 percent in 1975 from 1974 and increased 0.8 percent in the first seven months in 1976 compared to the first seven months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's shoes equal production at Marlboro Footwear Corporation since production is based on orders received.

Production of women's shoes at Marlboro Footwear Corporation increased 21 percent from 1974 to 1975 and increased nine percent in the first seven months of 1976 when compared to the same period in 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased from 174.6 million pairs in 1971 to 183.5 million pairs in 1975. Imports increased relative to domestic production and consumption from 84.3 percent and 45.7 percent respectively in 1971 to 105.8 percent and 51.4 percent respectively in 1975. Imports increased from 86.3 million pairs in the first six months of 1975 to 102.3 million pairs in the first six months of 1976. Imports declined relative to domestic production and consumption from 113.1 percent and 53.1 percent respectively in the first six months of 1975 to 96.6 percent and 49.1 percent respectively in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that customers increased purchases of women's footwear from Marlboro Footwear Corporation from 1974 to 1975 and in the first six months of 1976 when compared to the same period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at Marlboro Footwear Corporation, Marlboro, Massachusetts did not contribute importantly to the total or partial separation of the workers at that firm.

Signed at Washington, D.C., this 28th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32680 Filed 11-4-76;8:45 am]

[TA-W-1,167]

MIDWEST FOOTWEAR, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976 the Department of Labor received a petition dated September 29, 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 Midwest Footwear, Inc., Sullivan, Missouri, a wholly-owned subsidiary of Michael Industries, New York, New York (TA-W-1,167).

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 shoes and slippers produced by Midwest Footwear, 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 November 15, 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 November 15, 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,

200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32681 Filed 11-4-76;8:45 am]

[TA-W-1064]

MIDWEST MACHINERY MOVERS

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-1064: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 8, 1976 in response to a worker petition received on September 8, 1976, which was filed on behalf of workers and former workers of Midwest Machinery Movers, Chicago, Illinois who were engaged in providing the services of loading and driving trucks.

The notice of investigation was published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41981). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Machinery Movers 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 the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Midwest Machinery Movers leases truck drivers and dock workers to businesses nationwide. Midwest neither owns nor is owned by any of the firms to which Midwest provides truck drivers and dock workers. Midwest does not own any trucks or terminals.

Midwest Machinery Movers does not produce an article within the meaning of section 222 of the Trade Act of 1974. This department has previously determined that the performance of services is not covered by the Adjustment Assistance program. See Notice of Determination in Pan American World Airways, Inc. (TA-W-153, 40 FR 54639). The Department has also previously determined that an independent firm for which such services are provided cannot be considered to be the "workers firm" within the meaning of Section 222(1) of the Trade Act. See Notice of Determination in Nu-Car Driveaway, Inc. (TA-W-393, 41 FR 12749).

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Midwest Machinery Movers, Chicago, Illinois, are not "articles" within the meaning of Section 222 of the Trade Act of 1974. The petition for trade adjustment assistance is therefore denied.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32682 Filed 11-4-76;8:45 am]

[TA-W-1,186]

MY OWN BLOUSE

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated October 8, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of My Own Blouse, Incorporated, Philadelphia, Pennsylvania (TA-W-1,186). 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 ladies' blouses produced by My Own Blouse, 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 related, 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 November 15, 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 November 15, 1975.

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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32683 Filed 11-4-76;8:45 am]

[TA-W-1,181]

NATIONAL TANNING & TRADING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 1, 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 National Tanning & Trading Corp., Peabody, Massachusetts (TA-W-1,181).

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 tanning and finishing of leather from rawhide by National Tanning & Trading 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 related, 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 sub-

stantial 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32684 Filed 11-4-76;8:45 am]

[TA-W-1,193]

P. J. BARASH ASSOCIATES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of P. J. Barash Associates, Inc., Camden, New Jersey (TA-W-1,193).

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 dresses produced by P. J. Barash Associates, 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 November 15, 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 November 15, 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, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32685 Filed 11-4-76;8:45 am]

[TA-W-1,198]

RCA CORP

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1976 the Department of Labor received a petition dated September 28, 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 the Edison, New Jersey plant of RCA Corporation, New York, New York (TA-W-1,198). 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 storing of electronic tubes for other RCA Corp. plants by RCA 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32686 Filed 11-4-76;8:45 am]

[TA-W-1,189]

S. ROTHSCHILD & COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976 the Department of Labor received a petition dated October 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of S. Rothschild & Company, Inc., Philadelphia, Pennsylvania (TA-W-1,189).

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 girls' coats produced by S. Rothschild & 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32687 Filed 11-4-76;8:45 am]

[TA-W-945]

SAGAMORE SHOE COMPANY, 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-945: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 21, 1976 in response to a worker petition received on that date on behalf of workers and former workers engaged in the production of leather handbags, leather belts, wallets and eyeglass cases currently being produced at Sagamore Shoe Company, Inc., Sagamore, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 13, 1976 (41 FR 28857). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from an official of Sagamore Shoe Co., Inc., the National Handbag Association, 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 the second and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All workers at Sagamore were engaged in the production of shoe uppers until February 1975, when all employees were separated. These separations occurred more than one year prior to the date of the petition, June 17, 1976.

Section 223(b) of the Trade Act of 1974 provides, in substance, that certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition (June 17, 1976). Thus, workers separated in February 1975 are not eligible for program benefits.

Production of leather articles (primarily leather handbags) at the Sagamore Shoe Company began in March 1975 and is basically performed by part-time workers. Employment increased 37 percent in the period of March through June 1976 compared to the same four month period in 1975, while average weekly hours worked per employee decreased 45 percent and total hours worked by the entire production force decreased 26 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 55 percent and production rose 139 percent in the March–June period of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of all leather and non-leather handbags increased in quantity in 1972 compared to 1971, declined in 1973 and 1974 but rose 6 percent in 1975 compared to 1974. Imports increased 53 percent in quantity in the first quarter of 1976 compared to the like period in 1975. The ratio of imports to domestic production increased from 70 percent in 1974 to 76 percent in 1975 and rose from 94 percent in the first quarter of 1975 to 123 percent in the like period of 1976.

Imports of exclusively leather handbags increased in quantity in 1972 compared to 1971, declined in 1973 and 1974 and rose 29 percent in 1975 compared to 1974. Imports increased 37 percent in quantity in the first quarter of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Sagamore Shoe Company, Inc., has a factory store, located at the plant site, from which roughly 90 percent of sales go to its own retail customers who are primarily tourists visiting Cape Cod during the summer months.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of leather articles (primarily leather handbags) have not decreased absolutely and that increases of imports like or directly competitive with leather handbags, wallets, belts and eyeglass cases produced at Sagamore Shoe Company, Inc., Sagamore, Massachusetts did not contribute importantly to the total or partial separation of the workers of that company.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32688 Filed 11-4-76;8:45 am]

[TA-W-1177]

SOUTHWEST STEEL ROLLING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1976, the Department of Labor received a petition dated September 15, 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 Southwest Steel Rolling Mills, Century City, California, a wholly-owned subsidiary of Automation Industries, Los Angeles, California (TA-W-1177). 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 scrap steel reinforcement produced by Southwest Steel Rolling Mills 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32689 Filed 11-4-76;8:45 am]

[TA-W-1180]

TRAVERLY MANUFACTURING, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated September 30, 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 Traverly Manufacturing, Inc., New York, New York (TA-W-1180). 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 sport jackets and leisure wear produced by Traverly Manufacturing, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-32690 Filed 11-4-76;8:45 am]

[TA-W-1060]

UNITED SCREW AND BOLT 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-1060: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 31, 1976 in response to a worker petition received on August 31, 1976 which was filed on behalf of workers and former workers producing speciality screws at the Cleveland, Ohio plant of the United Screw and Bolt Corporation, Cleveland Fastener Division.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38567). 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 Screw and Bolt Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 the other criteria have been met, criteria (3) and (4) have not been met.

The United Screw and Bolt Corporation manufactures specialty (modified standard) fasteners. U.S. imports of specialty fasteners are negligible. These fasteners do not pose an import problem because the low volume markets characteristic of such fasteners are of little interest to off-shore producers.

The Department's investigation indicated that the layoffs experienced by workers of the Cleveland, Ohio Fastener Division of the United Screw and Bolt Corporation in 1975 were attributed to the general state of the economy at that time. The specialty screws produced by the Fastener Division were designed primarily for a recreational vehicle manufacturer, who reduced orders from the United Bolt and Screw Corporation due to lack of recreational vehicle sales. In addition, the United Bolt and Screw Corporation's lower sales volume in 1975 resulted from increased competition from domestic manufacturers of standard screws who have switched to specialty screw production.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with specialty screws produced at the Cleveland, Ohio plant of the United Screw and Bolt Corporation are not being imported in increased quantities either actual or relative to domestic production and thus have not contributed importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-32691 Filed 11-4-76;8:45 am]

[TA-W-1190]

VILLAGER INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 19, 1976, the Department of Labor received a petition dated October 8, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of The Villager Industries, Inc., Cornwell Heights, Pennsylvania, a division of Jonathan Logan, Inc., New York, New York (TA-W-1190). 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 separate sportswear produced by The Villager Industries, 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 related, 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 show below, not later than November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32692 Filed 11-4-76;8:45 am]

[TA-W-1,174]

WARNACO MEN'S SPORTSWEAR

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated October 6, 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 the El Paso, Texas plant of Warnaco Men's Sportswear, a wholly-owned subsidiary of Warnaco, Inc., Bridgeport, Conn. (TA-W-1,174). 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 sport shirts produced by Warnaco Men's Sportswear 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 related, 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 November 15, 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 November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32693 Filed 11-4-76;8:45 am]

[TA-W-1,171]

WASHINGTON STOVE WORKS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1976, the Department of Labor received a petition dated October 1, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Molders & Allied Workers Union on behalf of the workers and former workers of Washington Stove Works, Everett, Washington (TA-W-1,171). 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 Frankin Stoves, pot belly stoves, parlor stoves & cast iron heaters produced by Washington Stove Works 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 related, 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 November 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistace, at the address shown below, not later than November 15, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-32694 Filed 11-4-76;8:45 am]

[TA-W-1,073]

WILBAR'S, 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-1,073: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1976 in response to a worker petition received on September 13, 1976 which was filed on behalf of workers and former workers of Wilbar's, Inc., Boston, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43498). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wilbar's, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are

threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

Wilbar's, Incorported, was a women's specialty store chain whose stores closed in June 1976. Wilbar's did not own any production facilities nor did it manufacture any of the products it sold.

Wilbar's Incorporated does not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA–W–153, 41 FR 54639). Wilbar's performs a service, the retail selling of women's and misses' shoes, handbags, hosiery and accessories and misses' ready to wear clothing.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Wilbar's Incorporated, Boston, Massachusetts, are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76–32695 Filed 11–4–76;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

MEETING

A meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 10 a.m. on November 18 and 19, 1976, in the Trustees Room of the New York Public Library, 5th Avenue and 42nd Street, New York, New York. The proceedings will be devoted to consideration by the Commission of issues related to the impact of the computer on the dissemination and creation of copyrighted materials.

All members of the public, including representatives of groups concerned, are invited to submit requests to present testimony in future hearings on this subject. Such request should be accompanied by brief written statements identifying the individual or group requesting to testify and the evidence desired to be given.

All such requests should be addressed to Michael S. Keplinger, Assistant Executive Director, National Commission on New Technological Uses of Copyrighted works, Washington, D.C. 20558.

MICHAEL S. KEPLINGER,
Assistant Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc.76–32558 Filed 11–4–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Meeting Notice

The meeting notice for the subject meeting to be held on November 11–13, 1976 (published on Tuesday, October 26, 1976—FR Volume 41, No. 207) is revised as follows.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 11–13, 1976, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, NOVEMBER 11, 1976

8:30 A.M.–9:30 A.M.: EXECUTIVE SESSION (CLOSED)

The Committee will meet in closed executive session to exchange and discuss the personal opinions of individual members leading to the formulation of advice and recommendations regarding procedures for conduct of ACRS meetings. The Committee will also discuss the individual opinions and recommendations of ACRS members and consultants who may be present regarding the request for Preliminary Design Approval of the General Electric Standard Safety Analysis Report (GESSAR–238) and the General Electric Standard Safety Analysis Report (GESSAR–251).

9:30 A.M.—1:00 P.M.: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR–238) AND GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR–251) (OPEN)

The Committee will meet with representatives of the NRC Staff and the General Electric Company to hear presentations and hold discussions regarding the request for Preliminary Design Approval of these standardized plants. Portions of this session will be closed if required to discuss proprietary information related to the design, construction or operation of these standard plants. Closed portions will also be held if necessary to discuss security provisions for this type of facility and for Committee deliberative sessions.

2:00 P.M.—6:30 P.M.: EXECUTIVE SESSION (CLOSED)

The Committee will discuss the individual opinions and recommendations of ACRS members and consultants who may be present regarding the request for a Manufacturing License for the Floating Nuclear Plant, proposed Regulatory Guides, review of selected light water reactor safety matters, activities of ACRS members and candidates for ACRS membership.

FRIDAY, NOVEMBER 12, 1976

8:30 A.M.—9:30 A.M.: EXECUTIVE SESSION (OPEN)

The Committee will meet with the Executive Director for Operations to discuss the status of licensing activities and review of selected safety issues related to nuclear reactors.

9:30 A.M.—12:00 NOON: EXECUTIVE SESSION (CLOSED)

The Committee will meet in closed session to exchange and discuss the personal opinions and recommendations of individual members and consultants who may be present leading to the formulation of advice regarding the Midland Plant Units 1 and 2, proposed criteria regarding air shipment of radioactive material and the Reactor Safety Study (WASH–1400).

1:00 P.M.—3:30 P.M.: TRANSPORTATION OF RADIOACTIVE MATERIAL (OPEN)

The Committee will hear presentations by and hold discussions with representatives of the NRC Staff regarding proposed criteria for air shipment of radioactive material.

3:30 P.M.—6:30 P.M.: EXECUTIVE SESSION (CLOSED)

The Committee will meet in closed session to exchange and discuss opinions and recommendations of individual members leading to the formulation of Committee advice and recommendations to the Commission with respect to ACRS activities, and the projects and proposed criteria considered at this meeting.

SATURDAY, NOVEMBER 13, 1976

8:30 A.M.—12:00 NOON: EXECUTIVE SESSION (CLOSED)

The Committee will meet in closed session to exchange and discuss personal opinions and recommendations leading to the formulation of advice with respect to items considered at this meeting. Proposed ACRS activities and reports on generic matters such as management of radioactive wastes will also be discussed.

The Committee members will exchange and discuss the opinions and recommendations of individual members and consultants who may be present regarding the request for an Operating License for the Diablo Canyon Nuclear Plant Units 1 and 2.

1:00 P.M.–4:00 P.M.: DIABLO CANYON NUCLEAR POWER PLANT UNITS 1 AND 2 (OPEN)

The Committee will hear presentations by and hold discussions with representatives of the Applicant and the NRC Staff regarding the request for an Operating License for this plant specifically related to the seismic characteristics of the site and related structural design of the facility. Portions of this session will be closed if required to discuss proprietary material related to the design, construction or operation of this plant.

I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)) and to protect information which, if released, would represent an undue invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions

will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information and information considered exempt from disclosure under exemption (4) and exemption (6) of 5 U.S.C. 552(b) from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct or business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 3, 1976, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the following Public Document Rooms:

DIABLO CANYON NUCLEAR PLANT UNITS 1 AND 2

San Luis Obispo County Free Library.
San Luis Obispo, CA 93406.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on November 10, 1976, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 A.M. and 5:00 P.M., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on November 10, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC, on or after February 11, 1977. Copies may be obtained upon payment of appropriate charges.

Date: November 3, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76–32767 Filed 11–4–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Postponement of Meeting

The November 6, 1976 meeting of the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) has been postponed indefinitely. Notice of this meeting was published in FEDERAL REGISTER Vol. 41 on Thursday, October 21, 1976, page 46525.

Dated: November 2, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76–32613 Filed 11–5–76;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT OF 1974

Systems of Records: Correction

As required by Section 3(e)(4) of the Privacy Act of 1974, the Pennsylvania Avenue Development Corporation published its annual notice of the existence and character of systems of records it maintains. This notice appeared at 41 FR 47012 on Tuesday, October 26, 1976, and identified those systems as published at 40 FR 39674 on August 28, 1975 and finalized at 40 FR 44757 on September 29, 1975 by the Corporation.

The preamble to the notice failed to state that comments would be welcomed by the Corporation on the editorial changes made in the notice of systems and failed to give the Corporation's address to which comments could be sent. Therefore, interested parties wishing to submit written views or comments on the notice of systems of records should submit them to the Privacy Protection Officer, Pennsylvania Avenue Development Corportion, 425 13th St., N.W., Suite 1148, Washington, D.C. 20004.

Subsequent to the publication of that notice, the General Services Administration advised the Corporation that in order to perform its administrative service functions for the Corporation, an additional "Routine Use" of records maintained under system PADC–5 had to be reported. This new "Routine Use" would cover distribution of W–2 forms to State and local jurisdictions on officers and employees of the Corporation. Therefore, the Corporation is amending the "Routine Use" category of system PADC–5 as it appears at 41 FR 47013 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records can be released to the General Accounting Office for audits; to the Internal Revenue Service for investigation; to the General Services Administration for administrative services.

A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Privacy Protection Officer, Pennsylvania Avenue Develop-

ment Corporation, 425 13th St., NW., Suite 1148, Washington, D.C. 20004. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the privacy Protection Officer, Pennsylvania Avenue Development Corporation, 425 13th St., NW., Suite 1148, Washington, D.C. 20004.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

As a new "Routine Use" not previously published, the Corporation requests comments on this new reporting and interested parties may submit those comments to the Privacy Protection Officer at the address previously listed in the correction notice. Unless further notice is given to the contrary, this new "Routine Use" will become effective on December 8, 1976.

Dated: October 29, 1976.

JOHN M. WOODBRIDGE,
Executive Director.

[FR Doc.76-32567 Filed 11-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Advisory Committee on Corporate Disclosure will conduct an open meeting on December 6 and 7 at the Dirksen Senate Office Building, First Street and Constitution Avenue, N.E., Washington, D.C. 20549, in Room 5302 beginning at 10:00 a.m.

The summarized agenda for the meeting is as follows:

1. Presentation of Paper on the Impact of Disclosure of Questionable Foreign Payments on Security Prices by Professor Paul Griffin of Stanford University.
2. Conclusion of discussion of the objectives of the corporate disclosure system.
3. Discussion of the concept of materiality as defined under the federal securities laws.
4. Consideration of proposals for Reform of Disclosure System.
5. Discussion of such other matters as may properly be brought before the Committee.

Further information may be obtained by writing Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 29, 1976.

[FR Doc.76-32523 Filed 11-4-76;8:45 am]

[Release No. 34-12936; File No. SR-Amex-76-25]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 21, 1976, the American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 174 to permit disclosures in certain situations by specialists of the names of buyers and sellers in transactions executed in their specialist securities. A copy of the proposed amended rule is annexed hereto as Exhibit A.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to permit specialists to disclose in certain situations the names of buyers and sellers in transactions executed in their specialist securities. Heretofore, information relative to the identity of buying and selling firms had been permitted to be made available to members both on and off the floor by floor members other than specialists.

The proposed rule change is authorized by sections 6(b) and 11A of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, and relates to subsection (a)(v)(C) of Item 4 hereof by fostering cooperation and coordination among persons engaged in securities transactions.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that the proposed rule change will not impose any burden on competition.

On or before December 10, 1976 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 29, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 29, 1976.

AMERICAN STOCK EXCHANGE, INC.

[Brackets indicate deletions; italics, new material.]

The following Rule and Commentary are amended as follows:

DISCLOSURES BY SPECIALISTS [PROHIBITED]

Rule 174. No member acting as a specialist shall, directly or indirectly, at any time disclose to any person other than a Floor Official or authorized Exchange official: (a) any information in regard to orders entrusted to him as a specialist; or (b) the name of a bidder or offeror except that a specialist shall, when requested, disclose whether a bid or offer is in whole or in part for an account in which he has a direct or indirect interest; [or (c) the name of a buyer or seller except as may be necessary solely for the purpose of processing a transaction] *provided however, when requested by a member, member organization, or a representative of the issuer of the security involved, the specialist shall, to the best of his ability, disclose to such parties the names of buying and selling member organizations in completed Exchange transactions unless specifically directed to the contrary by the parties involved.*

* * * *Commentary*

.01 In the event that an order is partially executed, unless specifically directed not to, a specialist may in response to a request identify the buying and selling member organizations.

[FR Doc.76-32524 Filed 11-4-76;8:45 am]

[Rel. No. 9502; 812-4014]

ALLIED CAPITAL CORP.

Filing of Application for an Order Exempting Certain Transactions

NOVEMBER 1, 1976.

Notice is hereby given that Allied Capital Corporation, 1625 Eye Street, N.W., Washington, D.C. 20006 ("Allied Capital"), registered as a closed-end, non-diversified, management investment

company the Investment Company Act of 1940 ("Act"), filed an application on August 13, 1976 and an amendment thereto on September 20, 1976, for an order, pursuant to section 6(c) of the Act, exempting from sections 12(e), 17(a) and 17(d) of the Act and Rule 17d–1 thereunder, certain transactions involving Allied Capital, and Allied Investment Corporation ("Allied Investment") and Allied Lending Corporation ("Allied Lending"), both wholly-owned subsidiaries of Allied Capital (collectively the "Allied Group"). 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.

Allied Capital was organized in 1958 and commenced business as a "venture capital" company, principally furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and engaging in similar activities. Allied Capital is a licensed Small Business Investment Company ("SBIC") under the Small Business Investment Company Act of 1958 ("SBIC Act").

Allied Investment is a District of Columbia corporation newly organized by Allied Capital to conduct Allied Capital's operations as a SBIC. Allied Capital has applied to the Small Business Administration ("SBA") on behalf of Allied Investment for a transfer of Allied Capital's license as a SBIC to Allied Investment. Allied Capital proposes to acquire all of Allied Investment's issued and outstanding stock in exchange for all of Allied Capital's assets, except for furniture, cash items and other assets valued at approximately $75,000, and the assumption of all of Allied Capital's liabilities. Allied Investment, which has not commenced business, proposes to register as a closed-end, non-diversified investment company under the Act.

Allied Lending is a District of Columbia corporation newly organized by Allied Capital. Allied Capital has applied on behalf of Allied Lending to the SBA for a license as a small business lending company ("SBLC") under the SBIC Act. Allied Lending, which has not commenced business, proposes to register as a non-diversified, closed-end investment company under the Act and to operate as a SBLC lending funds to small businesses. Loans made pursuant to the SBLC program may be guaranteed by the SBA for up to 90% of the loan. Allied Capital proposes to fund Allied Lending by acquiring all of the issued and outstanding stock of Allied Lending for an aggregate purchase price of $500,000. Allied Capital will obtain the money to purchase the stock through a bank loan which may require Allied Capital to pledge the stock of Allied Lending as security for the loan.

Allied Capital represents that it will remain a registered investment company and its registration statement will be amended to reflect that it is a holding company whose investment policies will be principally those of its two wholly-owned subsidiaries, Allied Investment and Allied Lending. Allied Capital submits that the position of its shareholders will be basically unchanged under the holding company structure, except that their interest in the operating subsidiaries will be indirect.

Allied Capital states that the holding company structure is necessitated by SBA regulations which exclude a SBIC from the SBLC program. It is stated that an amendment of the SBA regulations in February of 1975 permitting a non-bank lending company to participate in the guaranteed loan program has made the SBLC program available to Allied Capital. It is asserted that the lending operation made possible by the SBLC program represents a good investment opportunity which will result in diversifying the asests and types of investments of Allied Capital, and will also furnish additional investment capital to Allied Capital on a consolidated basis. It is submitted that, in the opinion of Allied Capital's Board of Directors, the investment necessary to enter into the SBLC program is not excessive in relation to the amount of its total capital. On March 31, 1976, Allied Capital had total assets of $13,953,200. Allied Capital's investment in Allied Lending would be approximately 3.5% of total assets after increasing total assets by the amount of the bank loan. Allied Capital believes that the formation of Allied Investment and Allied Lending as two separate subsidiaries to operate as an SBIC and SBLC, respectively, will be in the best interests of the shareholders of Allied Capital, and will be consistent with the policies underlying the Act and the intent of Congress in enacting the SBIC Act.

Section 12(d)(1)(A) of the Act, as here pertinent, prohibits a registered investment company from acquiring more than 3% of the total outstanding voting stock of any other investment company, and Section 12(d)(1)(C) of the Act prohibits an investment company from acquiring more than 10% of the total outstanding voting stock of a registered closed-end investment company. Section 12(e) of the Act excludes from the provisions of Section 12(d)(1) any purchase or acquisition by a registered investment company of any security issued by any one corporation engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities provided, among other things, that the aggregate cost of the securities of such corporation purchased by such registered investment company does not exceed 5% of the value of the total assets of such registered company at the time of any purchase or acquisition of such securities. The aggregate cost to Allied Capital of acquiring all of the issued and outstanding stock of Allied Investment and Allied Lending will be close to 100% of the value of its total assets.

For purposes of the Act, Allied Capital, Allied Investment and Allied Lending are each affiliated persons of each other. Section 17(a) of the Act, as here pertinent, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, (1) to sell any security or other property to such registered investment company or to any company controlled by any such registered investment company except securities of which the buyer is the issuer or securities of which the seller is the issuer and which are part of a general offering to holders of a class of its securities, (2) to purchase from a registered investment company or from any company controlled by such registered investment company, any security or other property (except securities of which the seller is the issuer), or (3) to borrow money or other property from such registered company or from any company controlled by such registered company, with certain exceptions. Applicant states that, from time to time and in the course of the regular conduct of their business, members of the Allied Group may transfer securities or property to each other for the purpose of increasing the investment of Allied Capital in Allied Investment and Allied Lending, or for the purpose of Allied Investment and Allied Lending making a distribution with respect to its stock to Allied Capital.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of any registered investment company, or an affiliated person of such person, acting as principal, to participate in or affect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company is a participant unless an application regarding such transaction has been granted by the Commission. The application states that it may become necessary in the course of their business for Allied Capital and Allied Investment or Allied Capital and Allied Lending to participate together with third persons having no affiliation with Allied Capital, Allied Investment or Allied Lending or their affiliates in joint transactions.

Allied Capital agrees in its application that the order of the Commission that may issue pursuant to this Notice may be conditioned upon the following:

1. At all times Allied Capital will own and hold, beneficially and of record, all of the outstanding capital stock of Allied Investment and Allied Lending;

2. Allied Capital will not cause or permit Allied Investment or Allied Lending to change any of their fundamental investment policies, or take any other action referred to in section 13(a) of the Act, unless such action shall have been authorized by Allied Capital after approval of such action by a vote of a majority (as defined in the Act) of the outstanding voting securities of Allied Capital;

3. Allied Capital will not cause or permit Allied Investment or Allied Lending to enter into, renew or perform any in-

vestment advisory or underwriting contract or agreement, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with said section 15; and where any vote of the stockholders of Allied Investment or Allied Lending would be required by said section 15, unless the stockholders of Allied Capital also shall have approved the same by vote by a majority (as defined in the Act) of the outstanding voting securities of Allied Capital; or where any action of the directors of Allied Investment or Allied Lending would be required by said section 15, unless the Board of Directors of Allied Capital, including a majority of those directors who are not parties to any such contract or agreement or affiliated person of any such party, also shall have approved the same;

4. Subject to Allied Capital, individually, and Allied Capital, Allied Investment and Allied Lending, on a consolidated basis, having the asset coverage required by section 18(a) of the Act immediately after the issuance or sale of any senior securities, (a) Allied Capital may issue and sell to one or more banks, or to one or more insurance companies but not to both a bank or banks and an insurance company or insurance companies), its unsecured promissory notes or its other unsecured evidences of indebtedness in consideration of any loan, extension or renewal thereof, made by private arrangement, provided that such notes or evidences of indebtedness are not intended to be publicly distributed, and provided further that such notes or evidences of indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire any equity security, and (b) Allied Investment may borrow from SBA on such basis as SBA from time to time may lend to SBIC's and as may be permitted to SBIC's under the Act, including section 18(k) thereof and applicable rules thereunder, provided that Allied Capital would not guarantee any such borrowings by Allied Investment; and in addition to borrowing from SBA, Allied Investment and Allied Lending may borrow from Allied Capital, and (c) except as above specifically provided in this paragraph, Allied Capital will not itself, and Allied Capital will not cause or permit Allied Investment or Allied Lending to, issue any senior security or sell any senior security of which Allied Capital, Allied Investment or Allied Lending is the issuer;

5. Allied Capital will cause to be elected as directors of Allied Investment and Allied Lending only persons who are directors of Allied Capital, elected in compliance with section 16(a) of the Act, and at all times officers of Allied Capital will also be officers of Allied Investment and Allied Lending; and

6. Allied Capital will file with the Commission and transmit to its stockholders reports prescribed and required by section 30 of the Act, including separate financial statements of Allied Investment and Allied Lending. Allied Capital will also cause Allied Investment and Allied Lending to file with the Commission copies of all reports which Allied Investment and Allied Lending will be required to file with the SBA. Any independent public accountant who signs a financial statement filed by Allied Capital, Allied Investment or Allied Lending with the Commission shall be selected and approved in compliance with section 32(a) of the Act by a majority (as defined in the Act) of Allied Capital's outstanding voting securities.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation 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.

Allied Capital requests that the Commission issue an order, pursuant to section 6(c) of the Act, (a) exempting the above-described proposed purchases by Allied Capital of shares of common stock of Allied Investment and Allied Lending from the provisions of section 12(e) of the Act, subject to the conditions proposed above and (b) exempting from the prohibitions contained in section 17(a) of the Act on a continuing basis transfers of property and securities effected solely between Allied Capital and Allied Investment and Allied Capital and Allied Lending and to permit any small business concern which may become an affiliated person of the Allied Group to sell securities issued by it to, or borrow money from, the Allied Group, or any member thereof, and exempting from section 17(d) of the Act and Rule 17d–1 thereunder joint transactions or joint arrangements, as above referred to, between Allied Capital and Allied Lending or Allied Capital and Allied Investment and any small business concern which may become an affiliated person of the Allied Group, subject, however, to the following additional conditions:

(1) Any small business concern which may become an affiliated person of the Allied Group may borrow from, or sell securities issued by it to, the Allied Group, or any member thereof, provided that such transaction meets the requirements for an exemption pursuant to Rule 17a–6 promulgated pursuant to the Act, except to the extent that it fails to meet the requirements of such Rule solely because another member of the Allied Group is also a party to the transactions or has, or within six (6) months prior to the transactions had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern; and

(2) The Allied Group, or any member thereof, may participate in any joint enterprise or joint arrangement involving other participants, provided that such transaction meets the requirements for an exemption pursuant to Rule 17d–1 except to the extent it fails to meet the requirements of such Rule solely because Allied Capital is, was or proposes to be a participant in the joint enterprise or joint arrangement.

Allied Capital has committed to the SBA that Allied Investment and Allied Lending will not make investments in or lend money to the same small business concern.

Notice is further given that any interested person may, not later than November 22, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Allied Capital at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered that the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–32514 Filed 11–4–76;8:45 am]

[Rel. No. 9501; 812–3973]

ASTRON FUND, INC. AND FRANK RUSSELL CO., INC.

Filing of Application For Order

NOVEMBER 1, 1976.

Notice Is Hereby Given that on June 25, 1976, Astron Fund, Inc. ("Fund"), a closed-end management investment company registered under the Investment Company Act of 1940 (the "Act"), and Frank Russell Co., Inc. 1100 One Washington Plaza, Tacoma, Washington 98402. ("Russell Co.") (collectively, "Applicants"), filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order of the Commission permitting Applicants to consummate a settlement of a civil suit instituted by the Fund against The Insurance Company of North America

("INA") and a settlement of certain claims asserted by the Fund against Russell Co., both of which arise out of losses incurred by the Fund in five portfolio transactions alleged by the Fund to be the result of improper inducements to a former portfolio manager. An amendment to said application was filed with the Commission on October 26, 1976. 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.

Applicants state that the Fund initially registered under the Act on October 26, 1967, as an open-end, diversified management investment company.

Applicants further state that Russell Co., registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 and as an investment adviser under the Investment Advisers Act of 1940, served as the Fund's investment adviser from 1967 until June 1, 1974. Pursuant to an order of the Commission on January 22, 1976 (Investment Company Act Release No. 9133), discussed below, Russell Co. resumed acting as investment adviser to the Fund. During the interim period, Applicants state that investment of Fund assets was administered by Russell Co., and that throughout the period from June 1, 1974, to date, Russell Co., pursuant to provisions of the Plan of Liquidation accepted by Russell Co., has administered the Fund without compensation.

The Application states that INA is the issuer/underwriter of a broker's blanket bond ("Bond") effective September 1, 1971, in the amount of $500,000, which names the Fund, Russell Co., and others as joint insureds. It is submitted that the Bond has not been cancelled and remains in effect.

Applicants state that from 1968 to September 1971, Eric T. Blitz ("Blitz"), then a director, officer and stockholder of Russell Co., and a director and officer of the Fund, served as portfolio manager for the Fund pursuant to the provisions of the management agreements in effect during that period. They state that Blitz was relieved from his duties as portfolio manager based solely upon an evaluation of Blitz and his management of the Fund's portfolio, without knowledge of the events described below. The Fund states that in March, 1973, it learned that Blitz had been subpoenaed to testify before a federal grand jury which apparently was investigating a possible manipulation of securities of Elinvest, Inc. ("Elinvest"), and the involvement therein of Blitz, and that the employment and affiliations of Blitz with Russell Co. and the Fund were immediately terminated.

The application states that on November 30, 1973, Blitz was indicted by a federal grand jury which alleged that a group of persons had manipulated the price of shares of Arcite Industries, Inc. ("Acrite"), and that Blitz had been paid a bribe of $10,000 to induce him to cause the Fund to purchase Acrite shares without regard to their investment merits. Subsequently, Blitz was indicted by another federal grand jury for accepting compensation in connection with the Fund's purchase of shares of Elinvest. After trial in June, 1974, he was acquitted of the alleged violations with respect to the Fund's purchase of shares of Acrite. However, in February, 1975, he was convicted for violations of the federal securities laws in connection with the Fund's purchase of shares of Elinvest. Said conviction was affirmed on appeal, and on October 4, 1976, the U.S. Supreme Court denied a petition for a writ of certiorari filed by Blitz.

The Fund states that as a result of the information developed in the trials discussed above, and from other investigative efforts, it filed proofs of loss with INA pursuant to the provisions of the Bond seeking indemnification from INA for losses resulting from the Fund's purchases of shares of: Acrite; Elinvest; Cut-up Capers, Inc.; On Site Energy Systems Corp.; and American Community Systems, Inc. According to the application, INA refused to indemnify the Fund for these losses, contending that the total losses incurred by the Fund for these transactions were not the result of "employee dishonesty" within the scope of the Bond. The Fund states that in July, 1975, it instituted a civil suit (Civ. Action No. 75–2192) in the United States District Court for the Eastern District of Pennsylvania against INA seeking indemnity under the Bond, alleging, in substance, that INA had breached its contract with the Fund by failing to pay proper claims. It is this suit which applicants seek to terminate by the proposed settlement.

The Fund also states that it has instituted five civil suits against the five issuers noted above, Blitz and others believed to have been involved in manipulations of the securities of these issuers. The Fund also requested and received waivers from Russell Co. of any statute of limitations protections Russell Co. might obtain in consideration of the Fund's forebearing to bring suit against Russell Co.

According to the application, on April 26, 1974, a Plan of Liquidation and Dissolution, as amended, ("Plan"), was approved by shareholders of the Fund. Pursuant to the Plan the Fund became a closed-end investment company. As summarized by the Applicants, the Plan provided for: (i) the cessation of the Fund's investment activities; (ii) the creation of a reserve of $300,000 to be used to continue the Fund's corporate existence and to pursue such claims the Fund might have; and (iii) the distribution of the Fund's net assets, less the reserve, to shareholders. The Applicants submit that consummation of the settlement, approval of which is sought by this application, will enable to be effected an additional distribution to shareholders and liquidation of the Fund. By order of the Commission (Investment Company Act Release No. 9133, January 22, 1976), the Applicants were granted certain exemptions from various provisions of the Act to enable the Fund to minimize expenses during the liquidation process.

The application states that after an investigation to determine the extent of its claims, the Fund's board of directors received a lengthy presentation by, and conducted a detailed discussion with, counsel concerning, among other matters: (i) the evidence supporting the Fund's claims; (ii) the strengths and weaknesses of the Fund's claims against INA, Russell Co. and others; (iii) the position of INA in defense of the suit against it; (iv) the remaining expenses of trial of the INA suit; (v) pre-trial conferences with the court; and (vi) the possibilities for settlement of the INA litigation and other claims. It is stated that the independent directors of the Fund concluded, inter alia, that, absent the unanticipated discovery of additional facts and without unjustifiable additional investigative expense, the Fund had a reasonable basis to believe that it could establish losses with respect to the aforementioned securities in the amount of $393,030.70. The application also states that the independent directors concluded that: (i) the evidence to support the Fund's claim for a $117,000 loss in American Community Systems stock was not as strong as might be desired; (ii) no creditable evidence was developed to support a claim against Russell Co. based upon mismanagement of the Fund by Russell Co., or failure of it properly to supervise Blitz; and (iii) a settlement of the INA and other suits, and of the claims against Russell Co., was preferable to the risks and expenses of trial, assuming that the settlement was reasonable in relation to the Fund's apparent provable losses, and that Russell Co. contributed a meaningful amount to a settlement fund.

The Fund states that during the period January 9, 1976, through April, 1976, the Fund's counsel, INA and Russell Co. engaged in a series of settlement discussions and that counsel for the Fund and INA had several conferences with the court. Applicants state that, as a result of those negotiations and conferences, on July 26, 1976, the following proposed settlement was agreed to:

(1) INA and Russell Co. have agreed to pay the Fund, within five days of the receipt of the order requested in this application and the entry by the court of orders dismissing the claims asserted in the suit against INA, $250,000 and $20,000, respectively, in both cases together with interest accrued at the rate of 5 percent per annum from July 26, 1976;

(2) INA and Russel Co. will assign to the Fund any and all rights or claims they may have, by way of subrogation or otherwise, to pursue any other person who may have liability to the Fund for the losses suffered by the Fund for which claim has been made against INA and Russell Co.;

(3) The Fund will release INA and Russell from any further liability to the Fund arising out of the dishonesty of Blitz while acting as portfolio manager;

(4) Russell Co. will bear up to $5,000 of the Fund's legal fees and other expenses in connection with the five pending lawsuits, and has agreed that if on or before December 1, 1976, the Fund has not recovered at least $10,000 from

these actions, Russell Co. shall pay to the Fund the difference between $10,000 and the amount the Fund has in fact received (such amount subject to reimbursement to the extent the Fund subsequently collects additional amounts); and

(5) Consummation of the settlement is subject to: consummation by the Fund of a settlement with another alleged wrongdoer (discussed below), at the Fund's option; to receipt by the Fund and Russell Co. of an unqualified order of the Commission approving the proposed settlement as sought by this application; and, at the election of any party, to receipt of said order within 180 days from the date of filing of the application.

Applicants state that the condition, noted in paragraph (5) above, relating to a settlement with another alleged wrongdoer, has been met. In this regard, Applicants state that Greenman & Co. and Brian Greenman, defendants in three of the five civil suits instituted by the Fund, paid the Fund $30,000 in July, 1976, in return for a complete release by the Fund and INA from any further liability based upon the matters asserted in those actions. Thus, the Fund asserts that it is assured of recovery of at least $310,000.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that the Fund's board of directors, including its three independent directors, after consulting with counsel have determined that it is in the best interests of the Fund and its shareholders to enter into the proposed settlement. The application states that the principal reasons for this determination include, inter alia: (i) guaranteed recovery of a significant portion of actual losses; (ii) potential for additional recoveries; (iii) Russell Co.'s assumption of a portion of further litigation expenses; and, (iv) avoidance of the risks and expenses of litigation. In addition, the Fund asserts that Russell Co.'s contribution to the settlement of the INA litigation and related claims is fair and reasonable under all of the circumstances. Therefore, Applicants submit that the proposed settlement is consistent with the provisions, policies and purposes of the Act and that the Fund's participation is not on a basis less advantageous than the participation of Russell Co.

Notice is further given that any interested person may, not later than November 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address set forth above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32515 Filed 11-4-76;8:45 am]

[Rel. No. 19738; 70-5921]

CENTRAL AND SOUTH WEST CORP.

Proposed Issue and Sale of Common Stock by Competitive Bidding

NOVEMBER 1, 1976.

Notice is hereby given that Central and South West Corporation, P.O. Box 1631, Wilmington, Delaware 19899 ("CSW"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, up to 6,532,108 shares of its authorized and unissued common stock, par value $3.50 per share ("stock"). The exact number of shares of stock to be sold will be determined by CSW in light of market conditions at the time of sale. CSW intends to sell a sufficient number of shares to provide net proceeds to CSW of approximately $100,000,000.

Net proceeds of the sale of the stock will be used by CSW to (i) pay in full short-term borrowings outstanding at the time of sale, such borrowing being estimated to amount to $53,000,000, and (ii) the remainder of the proceeds will be used to contribute as additional common stock equity of two of CSW's subsidiaries, Central Power and Light Company and Public Service Company of Oklahoma. The making of such contributions to the subsidiaries will be the subject of further filings with this Commission. The subsidiaries would use the contributions to fund in part their construction expenditures.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice Is Further Given that any interested person may, not later than November 24, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32516 Filed 11-4-76;8:45 am]

[Rel. No. 19737; 70-5817]

GENERAL PUBLIC UTILITIES CORP.

Filing of Post-Effective Amendment Regarding Increasing the Aggregate Maximum Amount of Capital Contributions to Subsidiary Companies

NOVEMBER 1, 1976.

Notice Is Hereby Given that General Public Utilities Corporation, 80 Pine Street, New York, New York 10005 ("GPU"), a registered holding company, has filed with this Commission a post-

effective amendment to the declaration previously filed in this matter, pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated April 6, 1976 (HCAR No. 19470), the Commission authorized GPU to make cash capital contributions, from time to time during the period ending December 31, 1976, to Jersey Central Power & Light Company ("Jersey Central"), Pennsylvania Electric Company ("Penelec"), and Waterford Electric Light Company ("Waterford"), electric utility subsidiary companies of GPU, of such amounts as, together with the aggregate contributions previously made during 1976 by GPU to such companies pursuant to the Commission's authorization granted in File No. 70–5464, will not exceed $50,000,000; provided, however, that such aggregate cash capital contributions to Waterford shall in no event exceed $200,000.

GPU now proposes to increase the aggregate maximum amount of cash capital contributions it may make, from time to time during the period ending December 31, 1976, to its subsidiaries Jersey Central, Penelec, and Waterford from $50,000,000 to $70,180,000; provided, however, that such aggregate cash capital contributions to Waterford shall in no event exceed $180,000.

Through September 30, 1976, GPU has made cash capital contributions aggregating $30,050,000, as follows:

Jersey Central	$10,000,000
Penelec	20,000,000
Waterford	50,000
	$30,050,000

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time, after said date, the declaration, as now amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32517 Filed 11-4-76;8:45 am]

[Rel. No. 12938; File No. SR-MSTC-76-10]

MIDWEST SECURITIES TRUST CO.

Order Approving Rule Change Submitted By the Midwest Securities Trust Co. Providing for the Establishment of a Custodial Arrangement With Bradford Trust Co.

OCTOBER 29, 1976.

On July 14, 1976, the Midwest Securities Trust Company, 120 South LaSalle Street, Chicago, Illinois 60603 ("MSTC") submitted a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), establishing a custodial arrangement with Bradford Trust Company ("Bradford") in New York City, for the purpose of holding, transferring and safeguarding securities on behalf of MSTC. In connection with the proposed rule change, MSTC requested that the Commission continue its previous finding pursuant to paragraph (g) of Rules 8c-1 and 15c2-1 under the Act that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 FR 36095, August 26, 1976). Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12707, August 16, 1976. No letters of comment were received.

In connection with its review of the submission, the Commission requested representations from MSTC concerning its custodial arrangement with Bradford. The representations were made in a letter from MSTC dated October 22, 1976 which was incorporated in the MSTC submission and included in the public file.

The Commission has reviewed the MSTC submission and finds that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors. The Commission finds also that the proposed rule change is consistent with requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSTC-76-10 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32518 Filed 11-4-76;8:45 am]

[Rel. No. 19735; 70-5913]

MONONGAHELA POWER CO.

Notice of Proposed Issuance and Sale of Cumulative Preferred Stock

OCTOBER 29, 1976.

Notice Is Hereby Given that Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554 ("Monongahela"), a public utility subsidiary company of Allegheny Power System, Inc. ("APS") has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act ("Act") designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Upon amendment of its Charter, Monongahela proposes to increase the number of shares of Cumulative Preferred Stock which it is authorized to issue from 540,000 shares to 690,000 shares. Monongahela proposes to issue and sell an aggregate amount, not to exceed 150,000 shares of its $100 par value Cumulative Preferred Stock ("Stock"). The annual dividend rate (which shall be expressed in a multiple of $0.04) to be borne by the Stock and the price to be paid to Monongahela (which shall not be less than $100 per share and shall not exceed $102.75 per share) will be determined by competitive bidding. Monongahela proposes to publicly invite sealed written proposals for the Stock at least six days prior to entering into any contract or agreement for the issuance and sale of the Stock. It is proposed that the Stock will be redeemable at any time at the option of Monongahela except that prior to December 1, 1981, the Stock shall not be redeemable, directly or indirectly, with, or in anticipation of, monies borrowed or the proceeds of the sale of preferred stock at a cost of money less than the cost of money to Monongahela in respect of such Stock.

Monongahela requires the proceeds from the sale of the Stock to finance its construction program and to prepay, to the extent desirable, short term debt. At the time of issuance of the Stock, Monongahela does not expect to have any outstanding short term bank notes. As of September 30, 1976, Monongahela's gross construction expenditures for 1976, 1977 and 1978 are expected to aggregate about $230 million.

The Public Utilities Commission of Ohio has jurisdiction over the proposed

transaction. No other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred with this transaction will be supplied by amendment.

Notice is further given, that any interested person may, not later than November 19, 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be permitted and granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32519 Filed 11-4-76;8:45 am]

[Rel. No. 17933 (70-5918)]

OHIO EDISON CO.

Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding and the Issuance of Bonds for Sinking Fund Purposes

OCTOBER 29, 1976.

Notice is hereby given That the Ohio Edison Company 47 North Main Street, Akron, Ohio 44308 ("Ohio Edison"), a registered holding company, has filed an application-declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rules 42, 50 and 100(a), promulgated thereunder, as applicable to the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison Company ("Ohio Edison") proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act either up to 400,000 shares of a new series of its authorized Preferred Stock, $100 par value or up to 1,600,000 shares of a new series of its authorized Class A Preferred Stock, $25 par value ("new preferred stock"). Ohio Edison proposes to make a decision as to the class of preferred stock to be sold no later than five business days prior to the time designated for the submission of proposals. The dividend rate (which shall be a multiple of .04% if Preferred Stock is to be sold or .16% if Class A Preferred Stock is to be sold) and the purchase price, which shall not be less than 100% nor more than 102.75% of the par value share, plus accrued dividends, will be determined by competitive bidding. Bidders will specify separately (and not take such amount into account in specifying the purchase price of the new preferred stock) the amount to be paid as underwriting compensation if the purchaser or purchasers thereof propose to make a public offering.

The new preferred stock will be identical in all respects to the presently outstanding shares of Ohio Edison Preferred Stock, except as to par value (if Class A Preferred Stock is sold), rate of dividend and dividend payment dates, terms of redemption, amount payable on voluntary and involuntary liquidation (if Class A Preferred Stock is sold) and sinking fund requirements, if any, which will be determined prior to issue. No shares of the new preferred stock will be redeemable prior to December 1, 1981 if the redemption is for the purpose or in anticipation of refunding such shares directly or indirectly through the incurring of debt, or through the issuance of stock ranking equally with or prior to the new series of preferred stock as to dividends or assets, if such debt has an effective interest cost to Ohio Edison or such stock has an effective dividend cost (so computed) of less than the effective dividend cost to Ohio Edison of the new series of preferred stock. Ohio Edison anticipates that it may become necessary to include in the terms of the new preferred stock a provision for a sinking fund pursuant to which it will be required, beginning in 1981, to retire up to 5% of the shares of the new preferred stock annually.

Ohio Edison also proposes to issue and sell at competitive bidding up to $60,000,000 principal amount of its First Mortgage Bonds ("new bonds"), in one or more series, each series to mature in not less than 5 nor more than 30 years. The price, which will not be less than 100% (unless Ohio Edison shall authorize a lower percentage, not less than 99%) nor more than 102¾% of the principal amount thereof and accrued interest and the interest rate (which will be a multiple of ⅛ of 1%) will be determined by competitive bidding.

The new bonds are proposed to be issued under the Ohio Edison Indenture dated as of August 1, 1930, to Bankers Trust Company, as Trustee, as heretofore amended and supplemented and as proposed to be amended and supplemented by a Twenty-fifth Supplemental Indenture to be dated as of the first day of the calendar month in which the new bonds are issued.

The proceeds from the sale of the new preferred stock and the new bonds are to provide funds for the repayment in part of unsecured short-term debt (estimated to amount to $80,000,000 at the time of such issue of which $62,000,000 is expected to be repaid) and to provide funds for its construction program which is estimated at approximately $290,368,000 for 1976 and $381,000,000 for 1977.

Ohio Edison also proposes to issue on or about May 1 and November 1 of 1977 a total of $12,285,000 principal amount of its First Mortgage Bonds, a 3¼ percent Series of 1955 due 1985 ("Sinking Fund Bonds"), such bonds to be issued under its Indenture dated as of August 1, 1930, to Bankers Trust Company, as Trustee, as amended and supplemented. The Sinking Fund Bonds are to be of the series provided for by the Twelfth Supplemental Indenture dated as of May 1, 1955, and will be identical in all respects with the sinking fund bonds of this series.

Ohio Edison proposes to use the Sinking Fund Bonds solely to obtain the inclusion in its general funds, through the authentication and delivery by the Trustees and surrender by it to the Trustee for cancellation of Sinking Fund Bonds, of the sinking fund payments on deposit or required to be made with the Trustee under the improvement and sinking fund provisions of the Mortgage in 1977.

The fees and expenses to be paid in connection with the proposed transactions will be supplied by amendment. It is stated that the proposed issue and sale of the new series of preferred stock, the issue and sale of the new bonds and the issue and use of the Sinking Fund Bonds must all be approved by the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is Further Given, That any interested person may, not later than November 22, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hear-

ing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary.

[FR Doc.76-32520 Filed 11-4-76;8:45 am]

[Rel. No. 12937, File No. SR-OCC-76-8]

THE OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted by the Options Clearing Corporation for Clarification and Related Matters Respecting the Assignment of Exercise Notices by the Options Clearing Corporation

OCTOBER 29, 1976.

On October 8, 1976, the Options Clearing Corporation, 6150 Sears Tower, Chicago, Illinois 60606 ("OCC") submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to clarify Rules 611 and 803(c), as well as Article VI, section 8 of the OCC By-Laws and a related policy statement concerning the assignment of exercise notices by OCC.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (41 FR 47296, October 28, 1976), and the public was invited to submit comments until November 11, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12913, October 21, 1976.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies. The Commission finds good cause to approve the proposed rule change immediately in order to enable OCC to provide for prompt disclosure of the rule change in the OCC prospectus, scheduled to become effective on or before October 31, 1976. The Commission finds also that immediate implementation of the proposed rule change is necessary for the protection of investors, the maintenance of fair and orderly markets, and the safeguarding of securities and funds.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-76-8 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-32521 Filed 11-4-76;8:45 am]

[Rel. No. 19736; 70-5914]

WEST PENN POWER CO.

Proposed Issuance and Sale of Preferred Stock

OCTOBER 29, 1976.

Notice Is Hereby Given, That West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601 ("West Penn"), a public utility subsidiary company of Allegheny Power System, Inc. ("APS") has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

West Penn proposes to issue and sell an aggregate amount not to exceed 200,000 shares of its $100 par value Preferred Stock, Series J ("Additional Preferred Stock"). The annual dividend rate (which shall be expressed in a multiple of $.04) to be borne by the Additional Preferred Stock and the price to be paid to West Penn (which shall not be less than $100 per share and shall not exceed $102.75 per share) will be determined by competitive bidding. West Penn proposes to publicly invite sealed written proposals for the Additional Preferred Stock at least six days prior to entering into any contract or agreement for the issuance and sale of the Additional Preferred Stock. It is proposed that the Additional Preferred Stock will be redeemable at any time at the option of the Company except that prior to December 1, 1981, the Additional Preferred Stock shall not be redeemable, directly or indirectly, with, or in anticipation of, monies borrowed or the proceeds of the sale of preferred stock at a cost of money less than the cost of money to West Penn in repsect of such Additional Preferred Stock.

West Penn requires the proceeds from the sale of the Additional Preferred Stock to finance its construction program and to prepay, to the extent desirable, short term debt. At the time of issuance of the Additional Preferred Stock, West Penn expects about $15 million of short term notes to banks and commercial paper to be outstanding. As of September 30, 1976, West Penn's gross construction expenditures for 1976, 1977 and 1978 were expected to aggregate about $375 million.

The Pennsylvania Public Utility Commission has jurisdiction over the proposed transaction. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with this transaction will be supplied by amendment.

Notice Is Further Given, That any interested person may, not later than November 19, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be permitted and granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-32522 Filed 11-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

GRANT FOR CONSTRUCTION OF INTERSTATE 40 IN MEMPHIS, TENNESSEE

Additional Information Regarding Public Hearing

The purpose of this Notice is to provide further information regarding a public hearing to be held in Memphis, Tennessee, on Tuesday, November 23, 1976, to consider whether a Federal grant should be approved for the completion of construction of a 3.6-mile segment of Interstate Highway 40 in Memphis, including 1 mile through Overton Park.

On October 28, 1976, I announced that I would hold such a public hearing (41 FR 47987, November 1, 1976). In that Notice, I stated that the location in Memphis of the hearing would be announced shortly. I also stated that we expect to issue a set of questions that we believe are particularly relevant to the decision on this matter. This Notice designates the location of the hearing, sets forth the questions, and provides information with respect to the availability for review of background documents on this matter.

Location. The hearing will be held at Holiday Hall in the Holiday Inn Rivermont, 200 W. Georgia Avenue, Memphis. As stated in the earlier Notice, the hear-

ing will be held from 10 a.m. to 12 noon and from 2 p.m. to 4 p.m.

Availability of background documents. A selected set of principal documents relating to this matter, including key relevant judicial and administrative decisions, will be available for public review, commencing Wednesday, November 10, in the office of Frank P. Polumbo, the Director of Public Works for the City of Memphis, 125 North Main Street (Room 602), Memphis, Tennessee 38103.

Issues related to I–40. In announcing the public hearing, I stated that copies of the proposed "Interstate Route 40 Final Environmental Impact and Section 4(f) Statement", which had been prepared jointly by TDOT and the Federal Highway Administration (FHWA), were being made available to the interested public in connection with the public hearing. That document delineates the current proposal by TDOT and FHWA for construction of I–40 on an alignment through Overton Park, in a fully depressed, partially covered design through the park.

In addition to the focus which that document will provide to the testimony at the forthcoming public hearing, I believe it would be useful to highlight the issues which I currently believe to be the major ones in considering this matter. The issues are set forth below.

1. *Transportation Issues.*—What are the major transportation benefits which completion of I–40 would provide? Would there be a significant reduction in traffic congestion on local streets and arterials in Midtown Memphis—during peak hours, off-peak hours? Would there be improved mobility between East Memphis and the Downtown-Medical Center area? Between Midtown Memphis and the Downtown-Medical Center area? How significant are these considerations?

What would be the impact on traffic in downtown Memphis if the facility is built? Would there be increased or decreased congestion downtown? Would the improved automobile transportation which the facility would provide result in increased automobile use? What would be the impact upon public transit in the Memphis area if the facility is built?

Would construction of other transportation facilities or improvement of existing facilities be desirable as an alternative to TDOT's proposal? What would be the relative advantages and disadvantages, in terms of transportation service, of the L&N RR route as compared to the Overton Park route? Of the North Parkway route? (If the North Parkway route is desirable, what design should be used?) Would some combination of improvements to Midtown arterial streets, transit, and completion of I–240 be a desirable alternative? Why or why not? Is there some other alternative which should be implemented? If none of the I–40 alternatives were completed, what would be the transportation impacts? What would be the impacts on I–240? On arterial streets in Midtown Memphis?

Would it be desirable if the highway were to include an exclusive lane for buses, as discussed in the EIS? Should such inclusion be required if the project is approved? What would be the impact upon commercial vehicles of TDOT's proposal to exclude commercial vehicles from this section of I–40? What would be the impacts on the adjacent communities? On I–240 and arterial streets in the I–40 corridor? Are these significant considerations?

Should the North Avalon Interchange be built if I–40 is completed? Will there be increased or decreased traffic congestion on local and arterial streets in the vicinity of the North Avalon Interchange if it is built? If the interchange is not built? If I–40 is not completed, how should the stub of I–40 ending at Claybrook Street (east end) best be merged into the existing street system?

What are the significant assumptions upon which the answers to these questions are based? How valid are those assumptions?

2. *Issues Relating to Effects on Overton Park.*—What would the short-term effects be on Overton Park of constructing the proposed Interstate? What would the long-term effects be on the Park? What would the effects be on the public use and enjoyment of Overton Park? Of the Zoo?

Would the proposed fully depressed, partially covered design provide sufficient protection to Overton Park? If not, would more cover provide sufficient protection, and if so, how much more? Would more cover cause a tunnel ventilation problem? What would be the impacts of constructing a fully covered, single-level tunnel through the Park? Of a two-level tunnel? Of a partially depressed open cut? If mechanical ventilation is required, what would be the operating costs? Should possible DOT approval of the project be contingent upon acceptance of the design and construction conditions set forth in the memorandum from Secretary of Transportation William T. Coleman, Jr., dated April 21, 1975, subject "Location and Design Elements for I–40, Overton Park, Memphis, Tennessee"? What is a reasonable estimate of the cost of the TDOT's proposal, and of the other designs? What are the relative benefits, compared to the relative costs, of the various designs?

What would the effect be of the proposed East Parkway interchange on Overton Park? Should the East Parkway interchange be designed to avoid using land from the Park? How?

3. *Other Environmental and Social Effects.*—How serious would the effects of the project be on community disruption and separation? On community institutions? On noise? On air quality? What actions (such as construction of noise abatement barriers) should be taken to mitigate these adverse impacts? Should possible DOT approval of the project be conditioned on such actions?

Will there be significant benefits to the environment if the facility is constructed, and what will those benefits be? What are the energy consumption implications of the proposal?

What are the significant assumptions upon which the answers to these questions are based? How valid are those assumptions?

4. *Consistency with Overall Planning.*—Is the proposal consistent or inconsistent with areawide planning? In what way? Is it consistent with the goals and planning of Memphis? Shelby County? Other affected jurisdictions? Is the proposal consistent or inconsistent with plans to revitalize downtown Memphis? Would other transportation alternatives better meet the planning objectives of the region and its communities?

5. *Legal Issues.*—Am I required by statutory provisions to disapprove the proposal? Has the proposal been developed through a continuing, comprehensive, coordinated transportation planning process, as required by law? Does it meet the statutory requirements for consistency with metropolitan development goals and with plans to achieve ambient air quality standards?

Because TDOT's proposal would require the taking of public parkland, does it meet the requirements of section 4(f) of the DOT Act—that there are not any "prudent and feasible alternatives" to the use of such lands, and that all possible planning has been done to minimize harm to those lands? Why are the various alternatives prudent and feasible, or not prudent and feasible, in your view, under the Supreme Court's standards in *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971)?

6. *Other Issues.*—Are there other significant issues which should be evaluated in arriving at this decision?

Issued in Washington, D.C., November 2, 1976.

JOHN W. BARNUM,
Deputy Secretary of Transportation.

[FR Doc.76-32715 Filed 11-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

UNITED STATES AND SRI LANKA

Discussion of Proposed Bilateral Income Tax Treaty

The Treasury Department announced today that representatives of the United States and Sri Lanka will meet in Colombo in January to begin discussions of a proposed bilateral income tax treaty. The discussions are tentatively scheduled to start January 10.

At present there is no income tax treaty between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and with procedures for administering the provisions of the treaty.

The "model" income tax treaty developed by the Organization for Economic Cooperation and Development will be taken into account along with recent U.S. treaties with other countries, such as the treaties with Egypt and Israel which were signed in 1975 and are cur-

rently pending before the Senate Foreign Relations Committee. Attention is also called to the current United States "model" income tax treaty, the text of which was released by the Treasury Department on May 18, 1976.

The Treasury said that persons wishing to comment concerning the proposed treaty are asked to send their comments in writing by December 20, 1976, to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

DAVID S. FOSTER,
International Tax Counsel.

[FR Doc.76-32541 Filed 11-4-76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A-53, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on November 30, 1976 at 10 a.m. The meeting will be held for the purpose of reviewing the September 17, 1976 decision of the Director, Veterans Administration Center, Togus, Maine that benefits to all eligible persons enrolled in Skowhegan Business School, Box 217, Skowhegan, Maine be discontinued.

The meeting will be open to the public up to the seating capacity of the conference room. Seating capacity is limited, so it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Field Operations (223A), Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850) prior to November 19, 1976.

Dated: November 1, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-32619 Filed 11-4-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 183]

ASSIGNMENT OF HEARINGS

NOVEMBER 2, 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 135437 (Sub-No. 7), Tri-Northeastern Transport, Inc., now being assigned December 2, 1976 (2 days), at Louisville, Kentucky, in Room 1052A Federal Building, 600 Federal Place.

MC-C 8917, *Dignan Trucking, Inc., et al.* v *Southern Maryland Transportation Co.*, now being assigned January 25, 1977, at the Office of Interstate Commerce Commission, Washington, D.C.

MC 1924 (Sub 11), Wallace-Colville, Motor Freight, Inc., now assigned November 29, 1976 at Lewiston, Idaho, is now cancelled, application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-32701 Filed 11-4-76; 8:45 am]

[No. 36437]

DEPARTMENT OF DEFENSE PETITION FOR DECLARATORY ORDER

Establishing Effective Date of 3% Increase

OCTOBER 28, 1976.

The Secretary of the Army (petitioner) has filed a petition pursuant to the Administrative Procedure Act, 5 U.S.C. § 554(e), seeking a declaratory order to resolve an alleged uncertainty as to the effective date of the recent 3 percent general increases on household goods. The basis for petitioner's request is an asserted inconsistency between the Commission's orders in Investigation and Suspension Docket No. M-29035, General Increase—Household Goods Carriers' Bureau, Agent, and respondent carriers' schedules implementing the general increase. Petitioner adopts the position that respondent carriers in the cited Investigation and Suspension proceeding did not have on file schedules lawfully implementing the 3 percent increase for shipments originating between May 15, 1976, and July 12, 1976, and accordingly, that the imposition of the increase on those shipments is unlawful.

In light of petitioner's request, correspondence on behalf of respondent carriers in the cited Investigation and Suspension proceeding, and the informal views of the Commission's Bureau of Traffic (expressed in the attached Notice dated September 21, 1976), interested parties are invited to comment upon the issues raised by the petition, including:

(1) The propriety of the schedules filed by Household Goods Carriers' Bureau, Agent, on behalf of respondent carriers and in response to the Commission's order of May 12, 1976 insofar as those schedules purport to (a) implement a 3 percent increase in rates and charges published therein, (b) supercede or cancel previously published provisions with an effective date of May 15, 1976, or earlier, or (c) authorize the application of a publication labeled "Conversion Chart of Increased Transportation Rates" in lieu of previously published supplements made the subject of the May 12 order in I. & S. Docket No. M-29035;

(2) The effect of the Commission's order of June 25, 1976, in I. & S. Docket No. M-29035, the subsequent special permission application filed by Household Goods Carriers' Bureau, Agent, and Special Permission No. 72-59-M;

(3) The applicable rates or the applicability of the increase for shipments originating between May 15, 1976, and July 12, 1976, (or July 25, 1976, as the case may be) and the possibility that the assessment of the 3 percent increase constitutes an overcharge within the meaning of Section 204a(6) of the Interstate Commerce Act (Act), violates section 217 or other provision of the Act;

(4) The lawfulness of the higher (increased) rates and the Commission's jurisdiction to determine the lawfulness or unlawfulness of those higher rates, should the conclusion be warranted that the increases sought to be applied were not established in the manner directed by the Act and or Tariff Circular MF-No. 3 (49 CFR 1307.0 et seq.);

(5) Any other matters pertinent in establishing the lawful effective dates for the 3 percent increase.

Parties may file comments on or before December 6, 1976. This notice shall be served upon petitioner and the parties in Investigation and Suspension Docket No. M-29035. Additionally, a copy of this notice shall be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and shall be forwarded to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

ROBERT L. OSWALD,
Secretary.

SEPTEMBER 21, 1976.

The Commission's Bureau of Traffic, Section of Rates and Informal Cases, issued an informal opinion regarding the effective dates of a general increase in rates and charges of Household Goods Carriers' Bureau, Agent.

In Investigation and Suspension Docket No. M-29035, General Increase-Household Goods Carriers Bureau, Agent, the Commission's Suspension and Fourth Section Board, suspended certain schedules providing for a five percent increase in rates and charges "* * * insofar as it would increase present rates and charges by more than three (3) percent".

However, the tariffs involved were not supplemented to reflect the authorized three percent increase until July 12, 1976; in the case of one tariff it was reissued to become effective July 25, 1976. Although no tariff publications were on file with this Commission until the above dates giving effect to the three percent increase, the carriers parties to the tariffs involved did collect the three percent increase contrary to the requirement of section 217 of the Interstate Commerce Act.

Accordingly, it is the informal opinion of the Bureau of Traffic that the effective date of the three percent increase was July 12 and 25, 1976, the date the actual tariff publications became effective.

[FR Doc.76-32699 Filed 11-4-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 2, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43261—Joint Water-Rail Container Rates—Black Sea Shipping Company. Filed by Black Sea Shipping Company, (No. 101), for itself and interested rail carriers. Rates on general commodities, from and to rail and water carrier terminals on the U.S. Pacific Coast Seaboard, and ports and terminals in Europe. Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-32697 Filed 11-4-76;8:45 am]

[Notice No. 61]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before December 6, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76472, filed June 1, 1976. Transferee: JAMES J. LILLICRAP, P. O. Box 44, Westfield, Vermont. Transferor: P & M TRANSPORT, INC., Box 518, Morrisville, Vermont 05661. Applicants' attorney: John C. Fitzpatrick, 192 College Street, Burlington, Vermont 05401. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC-138229 (Sub-No. 2), issued May 29, 1974, as follows: Talc, from Johnson, Vt., to Burlington and St. Johnsbury, Vt., restricted to the transportation of traffic having a subsequent movement by rail; and from Johnson, Vt., to point inthe United States (except points in Alaska, Connecticut, Delaware, Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Erie County, Pa., and that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line near Lawrenceville, Pa., and extending along U.S. Highway 51 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Do.76-32702 Filed 11-4-76;8:45 am]

[Notice No. 146]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 2, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 381 (Sub-No. 6TA), filed October 26, 1976. Applicant: GENOVA EXPRESS LINES, INC., 484A Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery supplies* (except in bulk, between the facilities of ConAgra, located at or near King of Prussia, Pa., on the one hand, and, on the other, Tampa and Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ConAgra, Church Road & Drew Court, King of Prussia, Pa. 19406. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 47583 (Sub-No. 35 TA) filed October 20, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 255, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders* with poles detached *and agricultural implement repair parts* other than iron or steel in packages, from the plantsite at Lenox, Iowa, to points in Kansas, Missouri, Oklahoma, Arkansas, Tennessee, Texas, Louisiana, Mississippi and Alabama, for 180 days. Supporting shipper: Tote Systems, a division of Hoover Ball Bearing Companies, P.O. Box 8, Lenox, Iowa. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 106674 (Sub-No. 213TA), filed October 22, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexible polyether urethane* foam, from Middleton, Wis., to points in Illinois, Indiana, Iowa, Michigan and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Future Foam, Inc., 400 N. 10th St., Council Bluffs, Iowa. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 834TA), filed October 22, 1976. Applicant: PRE-FAB

TRANSIT CO., 100 S. Main St., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, and siding* (except iron or steel and commodities in bulk), from the plantsite and warehouse facilities of Masonite Corporation Roofing Division, located at Little Rock, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frank E. Lawless, General Traffic Manager, Masonite Corporation, 29 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107496 (Sub-No. 1052TA), filed October 26, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vapona* (dichlorovinyl dimethyl phosphate), in bulk, in tank vehicles, from the plantsite of Shell Oil Company, at or near Denver, Colo., to West Helena, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shell Oil Company, P.O. Box 2099, Houston, Tex. 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 1053TA), filed October 26, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alkyd resins*, in bulk, in tank vehicles, from Port Washington, Wis., to Des Moines, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Paint Mfg. Co., Inc., 17th & Grand Ave., Des Moines, Iowa 50309. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 1033TA), filed October 22, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Albany Cheese, Ind., Leitchfield, Ky., to points in Alabama, Florida, Georgia, Louisiana, New Mexico, North Carolina, Oklahoma, South Carolina, Texas and Virginia, for 180 days. Supporting shipper: Albany Cheese, Inc., P.O. Box 156, Leitchfield, Ky. 42754. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 109689 (Sub-No. 304TA), filed October 20, 1976. Applicant: W. S. HATCH CO., 643 S. 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 S. State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro phosphate slag*, in bulk, from Silver Bow, Mont., to Soda Springs, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kerr-McGee Chemical Corporation, Kerr-McGee Center, Oklahoma City, Okla. 73125. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 110525 (Sub-No. 1170TA), filed October 21, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Henry County, Ky., (on and north of Kentucky State Highway 146 and on and west of U.S. Highway 421), to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Michigan, Ohio, North Carolina, Texas and Wisconsin; and (2) *Contaminated liquid chemicals*, in bulk, in tank vehicles, from the destination states in part (1) above, to points in Henry County, Ky. (on and north of Kentucky state Highway 146 and on and west of U.S. Highway 421), for 180 days. Supporting shipper: Inland Chemical Corporation, 1810 Magonavox Way, Fort Wayne, Ind. 46804. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 113861 (Sub-No. 68TA), filed October 19, 1976. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., P.O. Box 725, Memphis, Tenn. 38101. Applicant's representative: James N. Clay,-III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Missouri, Arkansas, Mississippi and Alabama, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Texas Petroleum, Division of Allied Chemical Corporation, P.O. Box 2120, Houston, Tex. 77001. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 116110 (Sub-No. 12TA), filed October 19, 1976. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1488, Murray Road, Dothan, Ala. 36301. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, brass, bronze, copper, lead and zinc bars, billets, ingots, pigs or slabs*, from the plantsites or storage facilities of Sitkin Smelting and Refining, Inc., at or near Dothan, Ala., and Lewistown, Pa., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* used in the process of smelting or refining aluminum, brass, bronze, copper, lead or zinc bars, billets, ingots, pigs or slabs, from points in the United States (except Alaska and Hawaii), to the plantsites or storage facilities of Sitkin Smelting and Refining, Inc., at or near Dothan, Ala., and Lewistown, Pa., for 180 days. Supporting shipper: Sitkin Smelting & Refining, Inc., P.O. Box 2208, Dothan, Ala. 36301. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 116457 (Sub-No. 17TA), filed October 22, 1976. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Ave., P.O. Box 6484, Phoenix, Ariz. 85009. Applicant's representative: D. Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Garfield County, Utah, to points in Arizona, New Mexico, Texas, Oklahoma and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Kaibab Industries, Inc., P.O. Box 20506, Phoenix, Ariz. 85036. Teton West Lumber Sales, P.O. Box 3656, Casper, Wyo. 82602. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 118846 (Sub-No. 17TA), filed October 18, 1976. Applicant: DALE JESSUP, R.R. 1, Box 252, Camby, Ind. 46113. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and plastic articles*,

(1) from Mooresville, Ind., to Little Rock, Ark.; Hialeah, Orlando and Tampa, Fla.; Des Moines, Iowa; Wichita, Kans.; Mt. Sterling, Ky.; Albuquerque, N. Mex.; Grand Rapids, Mich.; Mount Vernon, N.Y.; Charlotte, N.C.; Oklahoma City and Tulsa, Okla.; Altoona, Pa.; Memphis, Tenn.; Houston, Midland and Nacogdoches, Tex.; and Milwaukee, Wis.; and (2) between the ports of entry on the United States-Canada Boundary line located at or near Detroit, Mich., and Mooresville, Ind., under a continuing contract with Nice-Pak Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nice-Pak Products, Inc., Mooresville, Ind. 46158. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 124813 (Sub-No. 159TA), filed October 21, 1976. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from the facilities of Rockwell Lime Company, in Manitowoc County, Wis., to point in Kansas, and points in Missouri on and west of U.S. Highway 65, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rockwell Lime Company, P.O. Box 124, Manitowoc, Wis. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 128940 (Sub-No. 28TA), filed October 18, 1976. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, 9327 Riggs Road, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sale and distribution of laminated plastic sheets and adhesives, from points in Louisiana and Ohio, to Odenton, Md., and its commercial zone, under a continuing contract with Exxon Chemical Company U.S.A., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Exxon Chemical Company, U.S.A., Odenton, Md. 21113. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 133119 (Sub-No. 101TA), filed October 22, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid insulation resin and foaming agents*, in containers, from the Tacoma, Wash., commercial zone, to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lonnie Anderson, Regional Field Supervisor, Thermo-Foam Insulation Co., Inc., Burnsville, Minn. 55337. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 133684 (Sub-No. 22TA), filed October 26, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Fairfield, Calif., to Tacoma, Wash., for 180 days. Supporting shipper: National Distributing, Inc., 5802 S. Washington, Tacoma, Wash. 98409. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 133689 (Sub-No. 86TA), filed October 26, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to points in Tennessee, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Star Company, 3171 5th St., S.E., Minneapolis, Minn. 55414. Send protest to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134105 (Sub-No. 15TA), filed October 21, 1976. Applicant: CELERY-VALE TRANSPORT, INC., 1011 First Tennessee Bank Bldg., Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, cookies, nuts, pretzels and snack foods* (except frozen foods), from Chicago, Des Plaines, Moline, and Rock Island, Ill.; St. Louis, Mo.; Hopkins and New Ulm, Minn., and Cambridge, Pewaukee and Ripon, Wis.; and points in the commercial zones of the respectively named cities, to the facilities of Kitchen Fresh, Inc., located in Chattanooga, Tenn., for 180 days. Supporting shipper: Kitchen Fresh, Inc., 1424 Chestnut St., Chattanooga, Tenn. 37402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 134150 (Sub-No. 9TA), filed October 26, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment, and ranges, refrigerators, dishwashers, disposals, range hoods, and materials equipment and supplies* used in the manufacture, production, and distribution of the commodities above, from Elkhart, Ind.; Anniston, Ala.; Connersville, Ind.; Columbus and Bellevue, Ohio; and Cleveland, Tenn., to the facilities of Gaffers and Sattler, Inc., located at or near Los Angeles and City of Industry, Calif., restricted to a transportation service to be performed under a continuing contract with Gaffers & Sattler, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gaffers & Sattler, Inc., 4851 S. Alameda St., Los Angeles, Calif. 90058. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138157 (Sub-No. 31 TA) filed October 26, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cookie and brownie dough*, in vehicles equipped with mechanical refrigeration, from the plant-sites and storage facilities utilized by The Original Cookie Company, Inc., at or near Los Angeles, Calif., to points in Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, New York, Pennsylvania, New Jersey, West Virginia, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Original Cookie Company, Inc., 1900 Avenue of the Stars, Suite 2040, Los Angeles, Calif. 90067. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce

Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138471 (Sub-No. 6 TA), filed October 22, 1976. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1605 Westside Highway, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Anhauser-Busch Brewery, at or near Fairfield, Calif., to Aberdeen, Bingen and Chehalis, Wash.; and (2) *Wine* (except in bulk), from Modesto, Calif., to Aberdeen, Wash., for 180 days. Supporting shippers: Sparke's Distributing, P.O. Box 267, Bingen, Wash. 98605. Peterson Distributing Company, 1191 Main, Chehalis, Wash. 98532. Independent Bottling Works, River & H Streets, Aberdeen, Wash. 98520. Crown Distributing of Aberdeen, Inc., P.O. Box 690, Aberdeen, Wash. 98520. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139313 (Sub-No. 5TA) filed September 30, 1976. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 3554 McReynolds Ave., Modesto, Calif. 95355. Applicant's representative: Charles Ennis (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, champagne, brandy*, from Modesto, Calif., to points in Aberdeen, Bellingham, Bellevue, Bingen, Bremerton, Chehalis, Colville, Colfax, Ephrata, Enumclaw, Everett, Kennewick, Longview, Moses Lake, Mt. Vernon, Okanagon, Olympia, Omak, Pt. Angeles, Seattle, South Bend, Spokane, Tacoma, Vancouver, Walla Walla, Wenatchee and Yakima, Wash., under a continuing contract with E & J Gallo Winery, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E & J Gallo Winery, 600 Yosemite Blvd., Modesto, Calif. 95353. Send protests to: Claud W. Reeves, District Supervisor, Suite 500, 211 Main, San Francisco, Calif. 94105.

No. MC 139999 (Sub-No. 14TA) filed October 22, 1976. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 N. 11th St., Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Flavorland Industries, Inc., at or near Sioux City, Iowa, to points in Michigan, Ohio, Chicago, Ill., and its commercial zone and Louisville, Ky., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jerry DeLoss, General Traffic Manager, Flavorland Industries, Inc., 1911 Cunningham Drive, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140986 (Sub-No. 2TA) filed October 22, 1976. Applicant: GREAT NORTHESN TRUCK LINES, INC., Bank St., Netcong, N.J. 07857. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 07804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the construction of tennis courts (except in bulk), from the facilities of Robert Lee Co., Inc., Charlottesville, Va., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, under a continuing contract with Robert Lee Co., Inc., for 180 days. Supporting shipper: Robert Lee Co., Inc., P.O. Box 1909, Charlottesville, Va. 22903. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 141071 (Sub-No. 6TA) filed October 21, 1976. Applicant: LARANETA TRUCKING CO., INC., 870 W. 9th St., San Pedro, Calif. 90730. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ontario, Oreg., and points in Idaho, to Las Vegas, Nev., and points in California, under a continuing contract with Ore-Ida Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, Idaho 83707. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1312 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141084 (Sub-No. 3TA) filed October 22, 1976. Applicant: NATIONAL FREIGHT LINES, INC., 37 S. LaSalle, Chicago, Ill. 60604. Applicant's representative: Daniel C. Sullivan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Cleveland, Ohio, to Los Angeles, Calif.; North Bergen, N.J.; and Atlanta, Ga. Restriction: Restricted to the transportation of traffic under a continuing contract with State Chemical Manufacuring Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland, Ohio. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141695 (Sub-No. 3TA) filed October 20, 1976. Applicant: OLIVER WENDELL COLLINS, doing business as COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oreg. 97910. Applicant's representative: Timothy R. Stivers, 115 W. State St. P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Jordan Valley and Sheaville, Oreg., on the one hand, and, on the other, the facilities of the Delamar Silver Mine, Delamar (Owyhee County), Idaho. Applicant does intend to tack authority and to interline with other carriers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delamar Silver Mine, Jordan Valley, Oreg. 97910. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 141878 (Sub-No. 2TA) filed October 26, 1976. Applicant: DIRECT COURIER, INC., 2780 S. Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell and tissue cultures, biological research products and equipment, laboratory animals*, between Montgomery and Frederick Counties, Md., and points in Virginia, on the one hand, and, on the other, points in North Carolina, South Carolina and Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Microbiological Associates, Division of Whittaker Corporation, Biggs Ford Road, Walkersville, Md. Meloy Laboratories, Inc., 6715 Electronic Drive, Springfield, Va. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142417 (Sub-No. 2TA) filed October 22, 1976. Applicant: TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valley, Nebr. 68064. Applicant's representative: Dennis I. Olson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat and meat by-products* (except in bulk, in tank vehicles), from Wahoo, Nebr., to Jefferson, Wis.; Fort Dodge, Iowa; Scranton, Pa.; Bloomsburg, Pa., and Philadelphia, Pa., under a continuing contract with Wahoo By-Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up

to 90 days of operating authority. Supporting shipper: Joe Breunig, Vice-President, Wahoo By-Products, Inc., 131 E. 3rd St., Wahoo, Nebr. 68066. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 142553 (Sub-No. 1TA) filed October 20, 1976. Applicant: OSBORNE TRUCKING COMPANY, 11001 Kenwood Road, Cincinnati, Ohio 45241. Applicant's representative: James M. Burtch, 100 E Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, Breathitt, Floyd, Johnson, Knott, Letcher, Magoffin, Martin, Morgan, Perry, Pike, and Wolfe Counties, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 142566 (Sub-No. 1TA) filed October 22, 1976. Applicant: LEISURE CHAIR TRANSPORTATION CO., 4521 Anderson Blvd., Fort Worth, Tex. 76117. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated household and leisure furniture*, from Fort Worth, Tex., to points in the United States (except Alaska and Hawaii); *Materials, equipment and supplies* (except commodities in bulk), used in the manufacturing of household and leisure furniture, from points in the United States (except Alaska and Hawaii), to Fort Worth, Tex., under a continuing contract with Leisure Chair of Texas, Inc., d.b.a. Texas Leisure Chairs, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leisure Chair of Texas, d.b.a. Texas Leisure Chairs, Inc., 4521 Anderson Blvd., Fort Worth, Tex. Send protests to: Jack K. Huff, Asst. Regional Director, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142568 (Sub-No. 1TA) filed October 26, 1976. Applicant: CHARLES E. WILSON, doing business as WILSON HARDWOOD PRODUCTS, 3150 Avenue A, White City, Oreg. 97501. Applicant's representative: Charles E. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green veneer lumber*, from Willow Creek, Calif., to Grants Pass, Oreg., and Medford, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Willow Creek, Inc., P.O. Box 7, Willow Creek, Calif. 95573. Fourply, Inc., P.O. Box 890, Grants Pass, Oreg. 97526. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–32696 Filed 11–4–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commisson's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before November 26, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P–32–76 (Special Certificate-Waste Products) filed September 27, 1976. Applicant: OVERLAND FREIGHT LINES, INC., 576 Reno St., P.O. Box 31136, Indianapolis, Ind. 46231. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate pursuant to a Certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap paper*, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri and Ohio, in furtherance of pollution control programs sponsored by: (1) Packaging Corporation of America of Indianapolis, Ind.; (2) The Weston Paper and Manufacturing Co. of Terre Haute, Ind.; (3) Inland Container Corporation of Indianapolis, Ind.; and (4) Alton Box Board Company, for the purpose of reclaiming and recycling waste paper.

P–33–76 (Special Certificate—Waste Products) filed September 30, 1976. Applicant: BACIL GUILEY, doing business as: GUILEY TRUCKING, 8615 Pecan Avenue, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate pursuant to a Certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap metal alloys, scrap automobile bodies, scrap batteries, scrap metal, and cullet*, between points in the United States (excluding Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Century Enterprises of Denver, Colo., for the purpose of recycling automobile bodies, batteries, metal, tin cans, glass, copper and other metals and waste products; (2) San Juan Iron of Metal Co. of San Juan, N. Mex., for the purpose of recycling various types of scrap metals and waste; (3) Century Metal Recyclers of Denver, Colo., for the purpose of collecting and removing waste products from the environment; (4) Norman Gilbreth Custom Car Mashing and Scrap Metal Buying of Fresno, Calif., for the purpose of recovering reuseable waste products; (5) Auto Disposal Service, Inc. of Idaho, for the purpose of removing waste products from the environment; (6) Richy's Salvage of New Mexico, for the purpose of collecting and removing waste products from the environment; (7) Acme Iron and Metal Co. Inc. of New Mexico, for the purpose of recovering reuseable waste products; (8) Prime Metal Trading, of Denver, Colo., for the purpose of collecting and removing waste products from the environment; and (9) Floyd's Salvage of New Mexico, for the purpose of recovering reuseable waste products.

NOTE.—Applicant presently holds Waste Products Certificate No. P–21–73.

P–34–76 (Special Certificate—Waste Products) filed October 1, 1976. Applicant: W. E. LUCINI CORP., 375 South Main St., West Bridgewater, Mass. 02379. Applicant's representative: Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117. Authority sought to operate pursuant to a Certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *powdered cellulose products*, in bulk, in shipper-owned trailers, from East Bridgewater, Mass., to points in Connecticut, in furtherance of a pollution control program sponsored by Resource Recovery Division, Combustion Equipment Associates, Inc., for the purpose of recovering municipal waste for recycling.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–32698 Filed 11–4–76;8:45 am]

[I.C.C. Order No. 12–A; S.O. No. 1252]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 12 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 12 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 29, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-32700 Filed 11-4-76;8:45 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GUARANTEED STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in Title IV, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 through 1087–2), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 177 of Title 45 of the Code of Federal Regulations to read as set forth below. Part 177 covers the Guaranteed Student Loan Program (GSLP).

It is hoped that interested parties will read the proposed revision of the program regulations with care and will communicate their observations and comments regarding the proposed regulations to the Office of Guaranteed Student Loans. It should be noted that in the following discussion there are several places where it is indicated that the Commissioner is particularly interested in receiving reader comment on certain provisions. However, these specific invitations to comment should in no way obscure the Commissioner's interest in receiving comments on anything in the proposed comprehensive revision of the Guaranteed Student Loan Program regulations which a reader may wish to communicate, including program problem areas which a reader may have identified and which he believes are left unaddressed in the proposed regulations.

This proposed revision of the regulations was prepared prior to enactment of the Education Amendments of 1976 (Pub. L. 94–482), which amend the statutory provisions governing the GSLP. An explanation of the impact of the new law upon the program and these proposed regulations is provided under the separate heading "Education Amendments of 1976" at the end of this preamble.

OVERVIEW

Title IV, Part B of the Higher Education Act of 1965, as amended, authorizes postsecondary educational assistance in the form of law interest loans to students through the Guaranteed Student Loan Program (GSLP). The program's benefits are available through loan guarantee programs of State and private nonprofit agencies, under direct State loan programs and, in limited circumstances, under a program of Federal loan insurance. Many of the proposed amendments would implement changes in the program designed to minimize the risk of loss to the United States. Others are intended to conform the program regulations to changes in the authorizing legislation. Still other amendments consist of stylistic or minor wording changes to clarify the intent and requirements of existing regulations in order to facilitate understanding and compliance.

This preamble does not attempt to describe each change. Rather, only significant proposed changes are described. New regulations are described and identified as such.

The sequence of the regulations has been modified to facilitate reference by their presentation in logical order. A new table of contents follows which indicates the proposed regulations as well as (in parentheses) the corresponding regulations previously promulgated. Those sections preceded by an asterisk are not included in this printing. (Those sections include all of current Subparts F and G except § 177.63(e), which are being redesignated as Subparts G and H and are not being revised except for cross-references therein.) A separate set of proposed regulations (§ 177.11(f) and § 177.51(c)) dealing with an escrow agent disbursement plan is found in this issue of the FEDERAL REGISTER. When the proposed regulations are published in final form, the publication will include all GSLP regulations. This will provide the total regulations package in a convenient format.

PART 177—GUARANTEED STUDENT LOAN PROGRAM

SUBPART A—PURPOSE AND SCOPE

Sec.
177.1 Program purpose and statutory authority.
177.2 Guaranteed agency programs.
177.3 Direct State loan programs.
177.4 Federal Insured Student Loan Program (FISLP).
177.5 Applicability of subparts in Part 177.

SUBPART B—GENERAL PROVISIONS

177.11 Definitions. (177.1)
177.12 Permissible charges to students. (177.6)
177.13 Prohibited transactions. (177.6)
177.14 Affidavit. (177.10)
177.15 Forms.
177.16 Treatment by lenders of refund amounts received from participating institutions.

SUBPART C—FEDERAL PAYMENTS

177.21 Interest benefits. (177.2, 177.4)
177.22 Adjusted family income. (177.3)
177.23 Special allowance. (177.4)
177.24 Death and disability payments. (177.5)
177.25 Administrative cost allowance. (177.4)

SUBPART D—GUARANTEE AGENCY PROGRAMS

177.31 Scope.
177.32 Agreements between guarantee agencies and the Commissioner.
177.33 Payment of Federal interest benefits. (177.12)
177.34 Payment of Federal advances for reserve funds. (Subpart C)
177.35 Federal reinsurance. (Subpart D)
177.36 Records, reports and inspections. (177.8)

SUBPART E—DIRECT STATE LOAN PROGRAMS

177.41 Scope.
177.42 Requirements for payment of Federal interest benefits and death and disability payments. (177.14)
177.43 Records, reports and inspections. (177.8)

SUBPART F—FEDERAL INSURED STUDENT LOAN PROGRAM

Sec.
177.51 Circumstances under which loans may be federally insured. (177.41)
177.52 Agreements between eligible lenders and the Commissioner. (177.42)
177.53 Conditions for insurability of individual loans. (177.44)
177.54 Limitations on maximum loan amounts. (177.43)
177.55 Issuance of Federal loan insurance. (177.42)
177.56 Insurance premiums. (177.45)
177.57 Disbursement of loans. (177.46)
177.58 Repayment of loans. (177.46)
177.59 Due diligence. (177.48)
177.60 Forbearance. (177.51)
177.61 Transfers of insured loans. (177.49)
177.62 Cancellation of loan for death or disability. (177.47)
177.63 Cessation of lender collection activity in certain cases.
177.64 Procedures for filing and payment of claims. (177.48)
177.65 Determinations of amount of loss on default claims. (177.52)
177.66 Records, reports and inspections. (177.8)
177.67 Collection efforts by the Commissioner after payment of default claims.

SUBPART G—REQUIREMENTS AND STANDARDS FOR PARTICIPATING EDUCATIONAL INSTITUTIONS

177.71* Agreements between eligible institutions and the Commissioner. (177.61)
177.72* Procedures, records and reports. (177.62)
177.73 Refunds. (177.63) (Only paragraph (e) included herein.)
177.74* Provision of information to a prospective student. (177.64)
177.75* Admissions criteria for a vocational, trade or career program. (177.65)
177.76* Additional standards for evaluating an eligible institution. (177.66)

SUBPART H—PROCEDURES FOR THE LIMITATION, SUSPENSION OR TERMINATION OF ELIGIBILITY FOR PROGRAMS UNDER THIS PART

177.81* Purpose and scope. (177.71)
177.82* Definitions. (177.72)
177.83* Possible sanctions. (177.73)
177.84* Effect on prior participation. (177.74)
177.85* Informal compliance procedure. (177.75)
177.86* Suspension. (177.76)
177.87* Limitation and termination. (177.77)
177.88* Denial or limitation of initial application or reinstatement. (177.78)

SUBPART A—PURPOSE AND SCOPE

1. A new Subpart A is proposed which sets forth the purpose and scope of the Guaranteed Student Loan Program and its various elements. This subpart also provides a brief overview of each segment of the program and indicates which portion of the regulations applies to each segment.

2. New § 177.1 describes the purpose of the GSLP and cites the basic statutory authority for the program.

3. New § 177.2 covers student loan insurance programs administered by State and nonprofit private guarantee agencies and describes the Federal benefits available to guarantee agencies, lenders participating under guarantee agency programs, and students who receive loans from these lenders.

4. New § 177.3 covers direct State loan programs and describes the Federal benefits available to such programs and to the borrowers who obtain loans under them. This section also clarifies that direct State loan programs are not to be confused with States that act as lenders under guarantee agency programs or the program of Federal loan insurance. As of August 1, 1976, there were no direct State loan programs in operation, insofar as making new loans is concerned.

5. New § 177.4 covers the Federal Insured Student Loan Program (FISLP) and describes the limited circumstances under which Federal loan insurance is available to lenders. The section also describes the Federal benefits available to lenders participating in the FISLP and to students who obtain federally insured loans.

6. New § 177.5 indicates the subparts of the regulations to which each segment of the program is subject.

SUBPART B—GENERAL PROVISIONS

1. *Definitions.* a. A new definition "disbursement" (§ 177.11(c)) is proposed in order to clarify when a loan is considered by the Office of Education to have been advanced to a student borrower. The definition requires an actual transfer of loan proceeds except that, in the case of an educational institution acting as a lender, disbursement can occur when a credit is applied to the student's account, provided that a written notice is sent to the student advising him that such a credit is being made.

b. The definition of "eligible lender" (§ 177.11(e)) has been revised to specify that the requirement that a financial or credit institution such as a bank, a savings and loan association, or a credit union must be subject to examination and supervision by a Federal or State agency means that the institution must be subject to such examination and supervision in its capacity as a lender rather than in some other capacity, and that if the examination and supervision is by a State agency it must be by an agency of the State in which the institution has its principal place of business. For example, the fact that an institution might be subject to examination and supervision by the Internal Revenue Service or the Securities and Exchange Commission would not qualify the institution as an eligible lender.

c. A new definition "graduate or professional student" (§ 177.11(h)) is proposed in order to identify those students who would qualify for the increased academic year loan maximum amounts under § 177.33(a)(1)(i) and § 177.54(a)(2) and the $10,000 aggregate loan amount limit under § 177.33(a)(1)(ii) and § 177.54(c).

d. The definition of "holder" (§ 177.11(k)) has been revised to include the Student Loan Marketing Association which, by law, is an eligible holder of loans made under the Guaranteed Student Loan Program. Otherwise, only eligible lenders can qualify as holders of loans.

e. The definition of "institution of higher education" (§ 177.11(l)) has been revised to specify that an institution of higher education may not admit more than a small proportion of persons not having a high school diploma or its equivalent. This is consistent with the statutory definition of "eligible institution" (20 U.S.C. 1085(b)) which requires that, in order to be eligible to participate in the Guaranteed Student Loan Program, an institution of higher education must admit as regular students only persons having a high school diploma or its equivalent.

f. The definition of "matriculate" (§ 177.11(o)), which bears on the time at which a loan may be disbursed, has been revised to provide that a correspondence student will not be considered to have matriculated until he has submitted one lesson after his acceptance for enrollment at an institution and without the assistance of school personnel or their agents. The reason for this revision is that some correspondence schools have sought to "matriculate" students by completing lessons for the students; such conduct does not evidence the student's intention to pursue the course. This revision will not prohibit a school representative from helping a student with the first lesson and the enrollment application; it merely specifies that before that student will be considered matriculated, an additional lesson, completed only by the student, must be submitted to the school after he has been accepted for enrollment.

g. A new definition, "participating institution" (§ 177.11(p)), has been added in order to identify eligible institutions (as defined in § 177.11(d)) which have signed an agreement with the Commissioner for participation in the Guaranteed Student Loan Program pursuant to what will be § 177.71 (now § 177.61). Most provisions in these proposed regulations relate to "participating institutions".

2. Section 177.12(a) has been revised to indicate that compounding of interest on a loan covered by this part is prohibited for purposes of computing the unpaid principal balance in determining the amount of interest benefits, special allowances and reinsurance claims which are payable by the Commissioner. Compounding under the Federal insurance program is precluded except in limited circumstances. The basis for these prohibitions are to some extent statutory (20 U.S.C. 1078(c)(1); 1078a(a)(1)) and to some extent to protect against unreasonable financial demands on borrowers and the Commissioner. A new paragraph (2) has also been added, prohibiting the use of the "Banker's Rule" to compute interest. Lenders may use the "Approximate Time-Ordinary Interest" method or the "Exact Time-Exact Interest" method but may not use the "Exact Time-Ordinary Interest" method, commonly called the "Banker's Rule", which results in an actual rate of interest in excess of the allowable maximum rate of 7 percent per annum. This prohibition is an interpretation of the statute which was communicated to all lenders in July 1971.

3. Section 177.12(b) has been revised by adding a new paragraph (2) which states the Commissioner's existing practice with regard to the calculation of insurance premiums due under the Federal program—i.e., that the premium for a loan must cover the period until one year after it is anticipated that the borrower will leave school. New paragraph (3) deals with the collection and retention of insurance premiums charged under guarantee agency programs. The proposed regulation, which incorporates earlier communications sent to guarantee agencies, specifies that refunds of insurance premiums paid in advance need not be made if the premium is charged for a period not extending beyond the time for which the premium would be collected under the Federal program. However, if insurance premiums are charged for periods beyond that time and the student graduates or withdraws earlier than expected, then the insurance premiums must be recomputed. Furthermore, if the student defaults, or completely prepays the loan (during a time in which he prepaid the insurance premium for more than two years), the amount of the insurance premium for periods subsequent to the default or prepayment must, respectively, be credited to the loan balance or refunded to the student.

4. Section 177.12(d), Other charges, has been revised to specify the types of collection costs incurred by a lender which may be charged the borrower. Permissible charges may include reasonable amounts for telegrams or long distance telephone calls, but may not include normal collection costs associated with letters, local telephone calls or making personal contacts with delinquent borrowers. To the extent that it exceeds the permissible charges, a collection agency's fee or a servicing agency's fee for servicing loans, including collection costs, may not be passed on to a borrower, directly or indirectly. However, as has previously been the case, if authorized in the note reasonable attorney's fees may be charged the borrower.

5. A new section 177.13, Prohibited transactions, is proposed which incorporates and strengthens the provisions formerly included in section 177.6(e). The regulation has been modified to clarify, in accordance with the Commissioner's past interpretation of the existing regulation, that any type of financial inducement from an educational institution to a lender, in order to secure funds for making loans or to induce such a lender to make loans to the students of the educational institution, is prohibited. The previous regulation has also been modified to specify that, in addition to the prohibition on educational institutions from selling loans at discount except with the permission of the Commissioner, the same prohibition against selling loans at discount applies to any eligible lender having common ownership with an educational institution; the rationale for this revision is that a school and a lender having common ownership should not be regarded as separate entities. The proposed regulation also spec-

ifies that these prohibitions apply to any eligible institution or eligible lender which would be a party to these prohibited transactions. However, to protect a commercial lender which purchases loans from an educational institution, the proposed regulations permit a commercial lender to obtain a warranty from an educational institution covering any future reductions which might be made by the Commissioner in computing the amount of loss, if any, on default claims filed on such loans, where such reductions are attributable to an act or failure to act by the educational institution or previous holder (in matters other than those for which a purchaser is charged with responsibility under these regulations, such as due diligence in the collection of loans).

6. A new section 177.15, Forms, is proposed which specifies that the Commissioner may prescribe the forms utilized in various loan transactions, the parties who must complete the forms and the times for transmittal. This provision is deemed necessary to ensure the proper operation of the program. The regulation also specifies that, due to the obvious potential for abuse, an educational institution, an eligible lender, or an agent of either party, may not ask or permit a borrower to sign in blank any forms used in connection with guaranteed loans, nor may the educational institution or the lender sign any forms in blank. Furthermore, any form used in connection with a transfer of Federally insured loans must identify and be signed by any third party which completes the form or otherwise facilitates the loan transfer; the Commissioner will then be cognizant of brokerage activities involving Federally insured loans.

7. New section 177.16 provides that any payment received by a lender from an educational institution which represents a refund due the borrower shall be applied to reduce the borrower's loan balance. In the event the lender is no longer the holder of the loan, the proposed regulation requires that lender to forward the amount of the refund to the new holder together with an explanation as to the source of this amount. In addition, the lender must also advise the borrower that this amount has been transmitted to the new holder. The notice is in addition to the notice of loan transfer required for Federally insured loans by § 177.61(c).

SUBPART C—FEDERAL PAYMENTS

1. Section 177.21, Interest benefits, has been modified to reflect the 1974 legislative changes for determining a student's eligibility for Federal interest benefits. Lenders and educational institutions have previously been made aware of these amendments through various bulletins and informational publications. Section 177.21(a)(5), while continuing to specify that a lender making a loan under these regulations may, if acting in good faith and in the absence of information to the contrary, rely upon statements submitted by the borrower, his family or an educational institution, indicates that in certain cases lenders making Federally insured student loans may not rely upon certifications by an educational institution. These conditions, which were published as regulations in the FEDERAL REGISTER on January 29, 1976, are fully described in section 177.53(b). They do not apply to loans made under guarantee agency programs.

2. Section 177.22(a), dealing with the computation of adjusted family income for purposes of determining eligibility for interest benefits, has been revised to specify that, in addition to the deduction from gross income of an amount allowable as tax exemptions for persons whose income is to be included in the determination of adjusted family income, an additional amount may be deducted if an individual whose income is included has incurred a loss from a disaster occurring during the preceding tax year or the current tax year in an area which has been determined to have suffered a "major disaster" as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)). The purpose of this amendment is to take into consideration losses, which would affect an individual's ability to provide education support, resulting from major disasters. The current regulations include a similar provision, but it is limited to loans made prior to July 1, 1970. The proposed regulation would remove this time restriction for the deduction of losses occurring from such disasters.

3. Section 177.22(c), dealing with the exclusion from adjusted family income of the income of a borrower's parents or spouse in certain circumstances, has been modified by providing for the exclusion of the income of a parent or spouse who has died prior to the determination of adjusted family income. The regulation has been further modified to clarify that the income of the parents must be included where the borrower resided with the parents at any time during the previous 12 months, even if the borrower has paid room and board or otherwise compensated his parents for such residency. The proposed regulation further specifies, however, that if the borrower has filed a Federal income tax return during the preceding 12-month period claiming his parents as dependents, his parents' income need not be included in his adjusted family income.

Pertaining to this topic, the Office of Education is seeking to develop a common definition of "independent student" which would be suitable for all of the postsecondary student financial assistance programs which the Office of Education administers.

4. Section 177.23, Special allowance, has been amended to indicate that the special allowance is payable on the unpaid balance of an insured loan until the loan has been repaid or a claim for loss on the loan has been approved or finally refused by the Commissioner or a guarantee agency. In addition, new paragraph (c) indicates that the amount of each special allowance rate shall be published in the FEDERAL REGISTER as a regulation but that it shall not be codified in the Code of Federal Regulations. The Federal Register has requested that the special allowance rates not be codified. Any lender or other interested party desiring to learn past special allowance rates may do so by contacting the Office of Guaranteed Student Loans, U.S. Office of Education, Washington, D.C. 20202.

5. Section 177.24, Death and disability payments, has been amended to state that the Commissioner will discharge the liability of a borrower of a loan made on or after December 15, 1968 that is insured by a guarantee agency, if the borrower dies or becomes totally and permanently disabled, in general accordance with the procedures used for this type of situation involving a Federally insured loan (§§ 177.62, 177.64).

Furthermore, § 177.24 provides that a loan held by a guarantee agency after payment of a default claim shall be dischargeable provided the borrower dies or becomes totally and permanently disabled within 15 years of the date the loan was made, the guarantee agency has not written off the loan a uncollectable, and the guarantee agency has exercised due diligence in the collection of the loan until the borrower died or became totally and permanently disabled.

SUBPART D—GUARANTEE AGENCY PROGRAMS

1. Proposed Subpart D incorporates Subparts B, C, and D of existing regulations in order to consolidate the major provisions affecting guarantee agency programs exclusively into a single subpart.

2. Section 177.32 sets forth provisions relating to the agreements between guarantee agencies and the Commissioner. The regulation provides that any agreement between a guarantee agency and the Commissioner may be terminated upon not less than 60 days' written notice, except that the Commissioner may terminate an agreement only for cause. Such a termination by the Commissioner will not become final until the guarantee agency has been given an opportunity for a hearing, though the Commissioner may suspend participation in the interim if he determines that this action is necessary in order to prevent substantial harm to Federal interests.

Where the Commissioner finds that any representations made by a guarantee agency are incomplete or incorrect, or where there has been a failure by the guarantee agency to comply with statutory or regulatory requirements or provisions of the agreement, the Commissioner may take action short of termination as may be necessary to protect the interests of the United States. This action may include the withholding of payments to be made to the guarantee agency (or to lenders whose loans are insured by the guarantee agency) until adequate documentation therefor is provided, or he may require the guarantee agency to reimburse the Commissioner for any payments previously made which resulted from the guarantee agency's making incomplete or incorrect state-

ments or violating applicable statutory or regulatory provisions. These provisions are intended to assure the rights of the parties to the agreement by providing for the various contingencies.

3. Paragraphs (a)(1)(i) and (ii) of § 177.33, Payment of Federal interest benefits, have been revised to reflect both the academic year and aggregate loan maximums to individual borrowers authorized by the Education Amendments of 1972.

4. Section 177.33(a)(1)(v) has been modified to specify when the repayment period must begin in the case of a correspondence student. This provision is identical to a provision that was adopted with respect to the Federal Insured Student Loan Program in 1975. The Commissioner's concern in this area stems primarily from the fact that he pays Federal interest benefits on behalf of eligible students until the repayment period begins, and also from the fact that default may be more likely if a borrower stops pursuing his correspondence course on a timely basis.

5. Section 177.33(a)(1)(xii) requires that under a guarantee agency program, a lender must disburse the loan proceeds in accordance with the proposed provisions for the Federal Insured Student Loan Program (in sections 177.57(d), Disbursement to the student borrower through an educational institution by a lender which is not an educational institution, and section 177.57(e), Disbursement directly to the borrower by a lender which is an educational institution). These provisions are intended to prevent a borrower who is not enrolled in school from using loan proceeds for non-educational expenses. The provisions should thereby prevent defaults as well as demands on the Commissioner for interest benefits and special allowance payments under circumstances not contemplated by the statute.

6. Section 177.33(a)(1)(xv), which relates to deferment of repayment of principal, has been updated pursuant to 42 U.S.C. 5055(e) to eliminate the reference to full-time volunteers under Title VIII of the Economic Opportunity Act of 1964 (VISTA volunteers) and to substitute a reference to full-time volunteers under Title I of the Domestic Volunteer Service Act of 1973.

7. A new provision, § 177.33(a)(1)(xvi), has been added to provide that the amount of a loan may not exceed the student's cost of education for the period of the loan less other aid that has been awarded to the student. While this has been the practice normally followed in the administration of the Guaranteed Student Loan Program, this provision has not previously been included in program regulations. The basis for the provision is that a guaranteed loan is intended only to cover the borrower's educational expenses.

8. New § 177.33(b)(3) has been added to specify that a guarantee agency shall permit notes representing loans made under its program to be transferred or assigned, including assignment as security, only to an eligible lender (as defined in § 177.11(e)), the Student Loan Marketing Association, or in cases of the borrower's default, death, or total and permanent disability, to the guarantee agency. This requirement parallels the restriction as to holders of Federally insured loans and is included because it would appear consistent with both the best reading of the law and the best administration of the program to exclude other parties from holding guaranteed loans. It should be noted that the Commissioner will pay interest benefits and special allowances only to the "holder" of a loan, as that term is defined in § 177.11(k).

9. Section 177.35(b), dealing with Federal reinsurance of loans made under guarantee agency programs, has been modified to specify that, in considering whether to enter into a reinsurance agreement with a guarantee agency, the Commissioner may review aspects of the guarantee agency's operations as to which the Commissioner determines that there is a Federal interest.

10. Section 177.35(c)(1), dealing with guarantee agency reinsurance agreements, has been modified to require that the guarantee agency shall ensure that due diligence as described in § 177.59 is followed by its lenders in the making, servicing and collection of loans, unless the guarantee agency has established its own specific standards for due diligence. The regulation also requires the guarantee agency to follow these standards of due diligence in the collecting of defaulted loans which it holds (including resort to litigation as appropriate) after payment of default claims to a lender. The purpose of these requirements is to ensure that a guarantee agency and its lenders are following prudent lending and collecting practices which will have the effect of keeping defaults to a minimum. The regulation further specifies that the execution of a reinsurance agreement with the Commissioner shall not be construed by the guarantee agency as indicating the Commissioner's acceptance of any procedures that the guarantee agency currently employs or previously has employed.

It should be emphasized that a guarantee agency is not required to adopt the identical due diligence standards established for purposes of the Federal Insured Student Loan Program. *Provided, however,* That the guarantee agency has established its own specific standards for due diligence. In cases where the guarantee agency has not previously established written standards for due diligence to be followed by its participating lenders, and where the guarantee agency does not wish to adopt the standards established for purposes of the Federal Insured Student Loan Program, it must now establish written standards to be distributed to its own lenders through regulation or some other vehicle. Guarantee agencies are encouraged to review the due diligence standards established for the Federal program in the development of their own standards.

11. Section 177.35(c)(2) requires that a guarantee agency assure the Commissioner as part of a reinsurance claim that the terms of the underlying loan comply with all Federal requirements, that all reasonable efforts by the lender (or the Student Loan Marketing Association) and the guarantee agency have been made to collect the loan, and that the loan is in default as defined in § 177.11(b).

This provision is similar to the requirement currently embodied in the guarantee agencies' agreements with the Commissioner.

12. Section 177.35(c)(4) describes the formula for payment by a guarantee agency to the Commissioner of monies collected on defaulted loans after the Commissioner has reimbursed the guarantee agency under the reinsurance provisions of the program. The outstanding reinsurance agreements have specified that 80 percent of any payment made by the borrower shall be paid to the Commissioner, without deduction for attorney's fees or other collection costs. The basis for this preclusion of deductions was language on page 66 of House Report No. 1919, September 25, 1968, the Conference Report which led to the Higher Education Amendments of 1968 (Pub. L. 90–575).

It is now proposed to modify this formula by providing that the guarantee agency may, prior to computing the amount of a payment due the Commissioner, deduct an amount collected from a borrower which is attributable to attorney's fees incurred in obtaining a judgment against the borrower, provided that the amount deducted may not exceed any provision in the judgment for attorney's fees (or, if no provision is made, 25 percent of the judgment), and that any partial payments made by the borrower as a result of such a judgment may not be allocated to attorney's fees in a greater proportion than a full payment could be so allocated. While this proposed revision is not consistent with the statement of Congressional views found in the aforementioned 1968 Conference Report, the Commissioner believes that, in light of subsequent Congressional concern about the cost to the United States of paying reinsurance claims, there will be no objection by the Congress to this proposed amendment to the regulations, which will hopefully lead to increased collection efforts on the part of guarantee agencies.

13. New § 177.35(c)(5) requires guarantee agencies to submit to the Commissioner the portion of payments from defaulted student borrowers which are due the Commissioner within sixty days of the receipt of such payments. This proposed revision is necessary as some guarantee agencies have not repaid the Commissioner on a timely basis.

14. Section 177.35(c)(6) specifies that, if the borrower dies or becomes totally and permanently disabled, neither the lender nor guarantee agency is required to attempt to collect the amount of the loan. (Loans made prior to December 15, 1968 are, however, not subject to discharge by the Commissioner under § 177.24.) The same provision would au-

thorize guarantee agencies to follow either the Federal Insured Student Loan Program standards for forbearance for the benefit of student borrowers (as described in § 177.60) or the guarantee agency's own specific standards for forbearance. Guarantee agencies have previously been authorized to permit forbearance for the benefit of student borrowers as approved by the lender and the guarantee agency. However, previous regulations have not established any standards for the implementation of the forbearance authority. Specific standards would now be required in order to provide for a more systematized and uniform administration of forbearance.

15. Section 177.35(c)(7) specifies that if a reinsurance agreement with a guarantee agency is terminated, loans insured by the guarantee agency after the termination date shall be reinsured only pursuant to a new agreement or an extension of the existing agreement. In considering whether to enter into a new reinsurance agreement or to extend an existing agreement, the Commissioner may take into account any matter as to which he determines that there is a Federal interest, including the adequacy of efforts made by lenders under the guarantee agency's program and by the guarantee agency to effect collection of loans which have gone into default, and the steps taken by the guarantee agency to make its program available to all residents of the State attending participating institutions and to make interest benefits available to all eligible borrowers. These provisions are similar to those in the outstanding reinsurance agreements.

16. The Commissioner would also like to receive comments on an issue relating to reinsurance which is not specifically addressed in the proposed regulations, but which has prompted a number of guarantee agency directors to request changes in the existing regulations. Section 428(c)(2)(D) of the Higher Education Act of 1965, as amended, specifies that unless otherwise provided by regulations, when a guarantee agency receives payments from a student who has defaulted on a loan as to which the Commissioner has paid a reinsurance claim, such payments must be first applied to reducing the unpaid principal balance of the loan rather than to any reduction of accrued interest. The existing regulations do not change this rule.

Some guarantee agency directors have pointed out that the effect of this rule is that the borrower ultimately pays a lower interest charge than would be the case if, as in traditional banking practice, the payment were first applied to accrued interest. They have also pointed out that, under certain circumstances, it may be to the student's advantage to default on payments to the lender, as he would then pay a lesser interest charge over the life of the loan.

While there may be some merit in these points, the Commissioner is reluctant to modify the statutory scheme in light of another factor. That is, defaulted borrowers are often willing to pay, but the amount they can afford is not sufficient to repay both principal and interest, and in some cases, it is not enough to meet even the interest that accrues. In such cases, if the amount of the payment is not applied to the reduction of the principal amount of the loan, the borrower's debt increases rather than decreases. It is conceivable that borrowers in these circumstances could pay for the rest of their lives without eliminating their debts.

Therefore, before making any modification of the regulations, the Commissioner is encouraging interested persons to offer suggestions as to what would be appropriate modifications to existing regulations, if any, that take into consideration all of the facets of this issue which are set forth above.

17. Section 177.36 establishes proposed regulations relating to records to be maintained by guarantee agencies, reports to be filed by the agencies and necessary inspections of guarantee agency records.

The regulation would require guarantee agencies to maintain their records for at least five years after a loan has either been paid in full or been finally determined to be uncollectable. The purpose of the provision is to provide time for Federal staff and auditors to examine guarantee agency records and to provide adequate time periods for investigation of fraud or other cases of abuse. For these reasons the proposed regulations also require that guarantee agencies must require their lenders to retain records on an individual loan for a period not less than five years from the date the loan has been repaid in full by the borrower or the lender has been reimbursed for a loss on the loan by the guarantee agency. The guarantee agency must require that its participating lenders maintain complete and accurate records for each loan account, including records of each transaction.

The proposed regulations also require the guarantee agency to submit certain reports to the Commissioner which will provide the Commissioner a detailed accounting of the guarantee agency's program. Specific required reports are set forth in § 177.36(b).

SUBPART E—DIRECT STATE LOAN PROGRAMS

1. Proposed Subpart E consolidates into a single subpart all provisions relating exclusively to direct State loan programs. There are not significant differences between the proposed regulations and the previous regulations affecting such programs.

2. As set forth in § 177.3(a), a direct State loan program is a program under which a State makes loans directly to students which are not guaranteed or insured under a guarantee agency program or the Federal Insured Student Loan Program. Students receiving direct State loans may be eligible for Federal interest benefits, and in the event of the borrower's death or total and permanent disability the Commissioner will pay to the State the amount of the loss incurred on a loan. Direct State loans are not eligible for special allowance payments nor are any Federal payments available to the States as a result of the borrower's default or bankruptcy.

3. At one time, the States of Texas and Wisconsin had direct State loan programs. However, both of those State agencies have since become lenders under the Guaranteed Student Loan Program; the State of Texas participating under the Federal Insured Student Loan Program and the State of Wisconsin participating under the Wisconsin guarantee agency program. As of August 1, 1976, there were no direct State loan programs in operation. These regulations would apply in the event a State would elect to establish a direct State loan program.

SUBPART F—FEDERAL INSURED STUDENT LOAN PROGRAM

1. This subpart comprises an extensive revision of Subpart E (Federal Loan Insurance) in the existing Guaranteed Student Loan Program regulations. The proposed regulations for the Federal Insured Student Loan Program (FISLP) have been greatly expanded in order to provide more specific and comprehensive guidance to program participants, to eliminate program abuses, and to facilitate improved administrative control of the program. It is recognized, however, that a number of the provisions could entail increased costs for lenders and educational institutions. The Commissioner particularly encourages comments which take into account not only these costs but the possible benefits to program participants and the program as a whole of the new provisions.

2. Section 177.51 specifies the circumstances under which the Commissioner may insure loans in light of section 423 of the Higher Education Act of 1965, as amended. These provisions are designed primarily to clarify and interpret section 423, about which there has been much misunderstanding.

In a State where there is no State or private non-profit guarantee agency program in operation, the Commissioner may insure loans made by lenders in that State to any student who otherwise meets the statutory and regulatory eligibility requirements. In a State in which the United Student Aid Funds or any other guarantee agency operates on a limited basis, but where the guarantee agency program is not reasonably accessible to eligible students who meet the residency requirements of such an agency, the Commissioner may also insure all loans made by lenders in that State to otherwise eligible students.

In a State in which there is a guarantee agency program in operation which is reasonably accessible to students who meet the residency requirements of that program (a "guarantee agency State"), the Commissioner may provide Federal insurance to lenders in that State only if any of the following conditions exist:

a. If the guarantee agency program is not reasonably accessible to students at a participating educational institution

which is otherwise eligible under Federal law and regulations, as compared with students at other institutions, and the access of students at that institution to loans made under the Guaranteed Student Loan Program as a whole would be significantly increased if the Commissioner provided Federal insurance to lenders in that State for students attending that participating institution, then the Commissioner may provide such insurance. Two examples are provided in § 177.51(b)(1) to illustrate the meaning of lack of reasonable access.

b. If the guarantee agency program has a residency requirement, the Commissioner may insure loans to any student who does not meet the guarantee agency residency requirement.

c. If a lender is not able to obtain the approval of a single guarantee agency for substantially all of the loans the lender intends to make because of the residence of the student borrowers to whom the lender intends to make loans, then the lender may obtain Federal insurance for all the students to whom it makes loans under the Guranteed Student Loan Program, including residents of the State in which the lender is located. In other words, if the diverse residences of the borrowers to whom a lender intends to make loans preclude the lender from having access to a single guarantee agency which would insure substantially all of the lender's loans, the lender can obtain a contract of Federal loan insurance for all of its borrowers. For purposes of this regulation, "substantially all of the students to whom the lender intends to make loans" means, over a twelve month period, 80 percent of such students. Therefore, if 21 percent or more of the prospective borrowers of a lender located in a guarantee agency State do not meet the guarantee agency's residency requirement, then the Commissioner may insure all of the loans that that lender intends to make. It should be pointed out, however, that where such a condition exists, there is nothing to preclude a lender from participating in both the Federal and guarantee agency programs by making loans under the guarantee agency program to students who meet the guarantee agency's residency requirements and making loans to students under the Federal Insured Student Loan Program for students who do not meet the guarantee agency's residency requirements. In a case where 80 percent or more of the prospective borrowers of a lender located in a guarantee agency State are eligible under the guarantee agency program, the lender would have to participate under the guarantee agency program for such students and could participate under the Federal program only for those borrowers who do not meet the guarantee agency residency requirements.

The Commissioner may require, as a condition for insuring loans made by a lender located in a guarantee agency State under any of the three conditions just described, the submission by the lender of such evidence as may be necessary to satisfy the Commissioner that the conditions (described in § 177.51(b) of the regulations) exist. In addition, the Commissioner plans to provide for special contracts of Federal loan insurance to lenders in such cases.

3. Section 177.52 maintains the requirement that a lender must enter into an agreement with the Commissioner in order to make loans under the program of Federal loan insurance. A new provision specifies that an agreement between the Commissioner and a lender may include a limit on the dollar amount of loans which that lender may make during a specified period of time, or a limit on the time period during which the lender may make insurable loans, or both. The criteria which the Commissioner will consider in determining whether to enter into an agreement with an eligible lender, and whether the agreement should include such limits, are set forth in this section of the regulations.

If, after entering into such an agreement with a lender, the Commissioner subsequently determines that the lender is not properly carrying out its lending activities, the Commissioner may revise the terms of the agreement with the lender. However, the Commissioner shall advise the lender of his reasons for any action to be taken and provide it with an opportunity to show cause why such action should not be taken.

Finally, this section of the regulations has been modified to specify that, in general, in the case of a lender which is an educational institution the educational institution may not make loans except to its own students or, where approved by the Commissioner, to students who are in attendance at other eligible schools under the same ownership as the institution or who are employees (or dependents of employees) of the educational institution.

These new provisions are proposed in order to reduce the default rate and to improve the overall administration of the Federal Insured Student Loan Program. By limiting the participation of lenders who would not be likely to carry out their lending activities in a sound and prudent manner and whose default or delinquency rates might be high, it is anticipated that certain programmatic abuses can be eliminated and losses from defaults reduced. It should be emphasized that there is no single category of lenders which is responsible for high default rates or other programmatic abuses. On the other hand, the majority of lenders are operating their lending programs on a sound and prudent basis, and the limitations provided for in this section should be applied to relatively few lenders.

4. Section 177.54, Limitations on maximum loan amounts, has been amended to reflect the provisions of the Education Amendments of 1972 (Pub. L. 92-318), which increased the general limitation on an insurable loan for an academic year from $1500 to $2500 and which authorized the Commissioner to prescribe regulations permitting academic year loan amounts in excess of $2500 in cases where the Commissioner determines that a higher amount is warranted with respect to students engaged in specialized training requiring exceptionally high costs of education. Provision is also made for the new $10,000 aggregate loan maximum (including loans received for previous study) for a graduate or professional student (as defined in § 177.11(h)), although the statutory $7500 aggregate loan maximum for other students remains in effect. It should be noted that these limitations apply to all of a borrower's loans under the Guaranteed Student Loan Program, not merely to those made under the Federal Insured Student Loan Program.

The proposed regulations authorize academic year loan amounts in excess of $2,500 for full-time graduate or professional students (or other full-time students enrolled in at least the third year of undergraduate study), provided that the student is enrolled in a program of specialized training designed to prepare students for a particular vocation, trade, or career field and requiring tuition and fees in excess of $2,500 per academic year. When such a situation exists, and after his approval of an application submitted by an educational institution which describes its programs that qualify for this higher loan limit, the Commissioner will insure loan amounts in excess of $2,500 per academic year up to the amount of such tuition and fees, but in no event for more than $5,000 per academic year.

It must be emphasized that all borrowers are still subject to the aforementioned statutory limitation on aggregate loan amounts of $7,500 for students in undergraduate study and $10,000 for the combination of undergraduate and graduate or professional study.

Section 177.54(b) proposes to limit the amount of a loan made to a correspondence school student to the amount of the contract price of the course. Where the student is also required by the correspondence school to take a portion of his study in resident training, the Commissioner will insure additional loan amounts to cover the cost of attendance for this portion of the course. The National Home Study Council, the relevant accrediting body, currently has a standard which specifies that correspondence course loans may not exceed the contract price of the course. It is felt that a similar standard should be included in the regulations because the other costs incident to other types of educational programs do not apply to correspondence study.

5. Section 177.55, Issuance of Federal loan insurance, maintains the requirement currently found in § 177.42(b) of the existing regulations that a lender must apply for Federal loan insurance in connection with each loan application unless the Commissioner has issued it a certificate of comprehensive insurance. However, the language has been modified to make clear that when the Commissioner approves a loan for Federal insurance, such insurance is issued in reliance on the lender's implied representation that all requirements for the

initial insurability of the loan have been met, including the limitations set forth in § 177.51 relating to the eligibility of lenders in guarantee agency States to receive Federal loan insurance. The language is intended to make clear to participating lenders that the issuance of Federal loan insurance should not be considered by lenders to mean that a default claim will inevitably be honored on that loan, regardless of what has occurred during the events leading to the making of the loan (although a lender may rely on statements of the borrower and his educational institution as set forth in § 177.53(b)). To the contrary, loans must be made in compliance with existing law and regulations in order to be eligible for Federal loan insurance. In this respect, lenders should review carefully the provisions of § 177.65 (including new paragraph (d)), which gives examples of the effect of various conditions and violation of program requirements on the disposition of default claims. That section points out that the Commissioner may deny payment of a default claim when he finds a condition or a program violation with respect to an individual loan.

6. Section 177.56, Insurance premiums, has been modified to reflect the statutory requirement that the insurance on a loan shall cease to be effective if the insurance premium is not paid within 60 days of the date on which it is due. However, the proposed regulation provides that the Commissioner may accept a late payment of an insurance premium due and thereby reinstate the insurance on a loan, if the loan is not in default and the borrower is not delinquent in making installment payments or, in the case where the loan is in default or the borrower is delinquent, it is because the borrower has entered the repayment period and the lender could not reasonably have been expected to be aware that the loan had entered the repayment period. The latter condition could occur in a case where the borrower has prematurely left school and neither he nor the school notified the lender of the early withdrawal, and the school additionally failed to provide this information to the Office of Education on the Student Status Confirmation Report in order that the Office of Education could report the status change to the lending institution.

7. Section 177.46 of existing regulations sets forth provisions relating to the disbursement of Federally insured loans and the repayment of such loans. The proposed regulations establish two sections to cover these subjects. Section 177.57 relates to the disbursement of loans and § 177.58 to the repayment of loans.

Section 177.57, Disbursement of loans, has been modified with respect to the disbursement requirements for a lender which is not an educational institution.

a. The regulations authorize the Commissioner in his discretion to require all lenders to disburse loans in multiple installments, with the frequency and amount of such installments determined by the Commissioner. The purpose of this regulation is to assure that students do not receive funds earlier than is necessary to meet educational expenses, to save payment of Federal interest benefits and special allowance payments on such unnecessary loan disbursements, and to reduce the amount of default claims for students who withdraw prior to completing the academic period for which their loans are made. The Commissioner is not certain whether he would actually use this authority to require mulitple disbursements of lenders other than educational institutions, and in this regard he would like to receive comment as to the burdens which such a system might impose on lenders. If the proposed escrow system, as set forth in a separate proposed regulation published in this issue of the FEDERAL REGISTER, is implemented, it would not be necessary for the Commissioner to require lenders to make multiple disbursements, as the major function of the escrow agent is to receive loans from lenders and redisburse them in multiple installments to the student borrowers.

b. The proposed regulation specifies that each disbursement must be made through a negotiable instrument which is payable only to the student (or, if authorized by the student in writing, jointly to the student and the educational institution) and which, after being presented for payment, must be retained by the lender. Neither a lender nor an educational institution may obtain a student's authorization to endorse the instrument of disbursement on the student's behalf. The purpose of these provisions is to ensure that loan proceeds are not disbursed to a borrower who no longer plans to attend school.

The proposed regulation also requires the lender to send the disbursement check to the educational institution attended by the borrower. The lender must notify the borrower in writing when any part of the loan has been transmitted to the educational institution. The school must give the check to the borrower or, in the event that the student does not attend school or has not matriculated as at least a half-time student, the school must return the check to the lender within 30 days. Educational institutions would be required to keep such records as the Commissioner may require with respect to their receipt and disposition of loan proceeds. The Commissioner is very interested in receiving comment from educational institutions regarding the types of records that the Commissioner could reasonably require and the extent to which this additional administrative burden would affect their willingness to participate in the program.

The purpose of this regulation is to assure that loan money is used to meet educational expenses. One of the major problems arising when lenders provide the proceeds of a loan directly to the student is the fact that some students take the loan proceeds, do not attend school, and utilize the loan proceeds for non-educational purposes, which is contrary to the statutory purpose for which the loan was extended. This provision is designed to eliminate that problem. The duties imposed on the educational institution under this provision are reasonable in that much of loan proceeds are paid over to an educational institution; in fact, in this way an institution can be better assured that a student borrower will pay required fees to the school, if he is in fact in attendance there.

c. Section 177.57(e), which sets forth disbursement provisions relating to lenders which are educational institutions, has been modified to specify that, if a disbursement is made by a school-lender through a credit to the student's account, the Commissioner shall not consider it a disbursement unless written notice of the disbursement is provided to the student. This regulation also specifies that the institution may not obtain a student's authorization to endorse an instrument of disbursement on his behalf. Again, these provisions are designed to prevent disbursements to persons who are not students.

8. Section 177.58, *Repayment of loans*, has been modified to require that all scheduled installments during the repayment period must be for equal amounts except where (a) the last installment is to be slightly different for computational purposes, (b) the total amount of loans made to a borrower by a lender does not exceed $1500 and the installments are to be for equal amounts of principal, plus interest, (c) the loan repayment schedule provides for graduated installment payments as set forth in § 177.58(d) or (d) a school-lender provides a supplementary repayment agreement for the borrower as set forth in § 177.58(e).

Most commercial lenders traditionally utilize equal installment repayment schedules. However, a number of school-lenders have indicated a desire to provide more flexible repayment terms. These regulations are designed to meet those requests.

9. Section 177.58(c) sets forth the consequences of the failure of a borrower to attend school. This proposed provision specifies that, where the lender learns that the borrower will not be, is not, or has not been a student at an eligible school, the lender must immediately declare the loan due and payable, although the lender may permit repayment to be made in installments if necessary. When this condition arises, no further Federal interest benefits will be payable on amounts disbursed and the lender must attempt to collect from the borrower any Federal interest benefits previously paid to the lender on the borrower's behalf. Any amounts so collected must be returned to the Commissioner.

10. New sections 177.58 (d) and (e) permit unequal repayment installments when certain conditions exist. Section 177.58(d) provides that, in the case of a borrower with at least $4,000 outstanding in loans held by a single lender, the lender, and borrower may agree to a repayment schedule characterized by installments which increase in amount over the repayment period. Such graduated repayment schedules must provide for payments of at least $360 during each

year of the repayment schedule, for no single installment in an amount greater than three times that of any other installment, for compliance with other regulatory requirements, and for a payment total during any year of the repayment period that does not exceed the total of payments during the preceding year by a percentage in excess of the corresponding percentage for the first year of the repayment period in which an increase over the previous year of the total of payments of principal and interest occurs. For example, if the payments for the first and second years of a repayment period are $400 and $440, respectively, then the payments for any subsequent year may not exceed the total of payments for the preceding year by more than 10 percent. The regulation further provides that neither the borrower nor the lender may insist on establishing such a graduated payment schedule; either may insist on a conventional equal installment schedule.

Some educational institutions acting as lenders have supported graduated payments as a logical schedule for the repayment of student loans since such a schedule takes into consideration the relatively low income of many borrowers when they first graduate from school and the fact that these incomes have a tendency to increase significantly during subsequent years. Section 177.58(d) is proposed in order to provide guidance for those lenders wishing to make graduated payment schedules available to their borrowers, and to prohibit sudden or steep increases in installment amounts which could easily lead to default. The Commissioner also has an interest in this matter because he pays the special allowance on the unpaid balance of outstanding loans.

Section 177.58(e) authorizes a supplementary repayment agreement, if agreed to by the borrower, in the case of loans made by an educational institution acting as a lender under the Federal Insured Student Loan Program. The regulation would permit a school-lender and a borrower to enter into a side agreement which supplements the equal installment repayment schedule required by § 177.58 (a). Under the side agreement, the borrower may be deemed to meet the terms of the equal installment repayment schedule so long as the borrower makes payments in accordance with the side agreement. Prior to utilizing such a side agreement, the school-lender must apply to, and receive approval from, the Commissioner as to its terms in order to ensure that the borrower will not be unduly burdened by the arrangement and that the Commissioner will not be subject to undue liability. That is, such approval is required not for each individual loan but for the form to be used by the school. Neither the borrower nor the lender may insist on establishing a supplementary repayment agreement, except that the regulation would permit the lender to make the borrower's written consent to the ultimate establishment of such a side agreement a condition for the making of a loan. To protect the borrower against fraud or conflicting demands for payment, the regulation provides that a loan subject to a supplementary repayment agreement may not be transferred or assigned to any other lender, nor may the agreement itself be assigned. The Commissioner is especially interested in receiving comment from interested parties regarding the necessary or desirability of the provision prohibiting transfer or assignment of such loans.

Many educational institutions have been interested in providing repayment schedules that are contingent upon the borrower's actual earning power. In an effort to permit some degree of experimentation in this area, the Commissioner believes it appropriate to authorize, with his prior approval in each case, flexible repayment arrangements which may result in some students having to repay more principal than they had borrowed, since the amount repaid would be a percentage of income earned. The obvious potential of such arrangements for borrower hardship and undue financial demands on the Commissioner dictates that they be closely monitored.

11. Section 177.59, *Due diligence*, provides for the first time a comprehensive and detailed definition of due diligence in the making, servicing, and collection of loans. In the past, OE has received numerous requests from lenders to describe in one place the meaning of "due diligence." The proposed regulation details specific activities required in connection with making, servicing, and collecting loans as well as some general rules.

a. A lender must utilize procedures comparable to those generally used by commercial lenders for loans of comparable amounts which are not insured. A lender may not accept a loan on transfer or assignment unless it has reasonably determined that due diligence has been exercised with respect to that loan prior to the transfer or assignment. The delegation of functions to a servicing agency or other party does not relieve the lender or subsequent holder of a loan of its responsibilities.

Section 177.65(a) makes clear that a lender which purchases a loan is not entitled to any default claim payment greater than that to which the original holder of the loan would have been entitled. For this reason, it is essential that a potential purchaser of loans satisfy himself that the original lender exercised due diligence prior to the consummation of the sale. This provision is intended to frustrate the circulation, and hence the origination, of loans of questionable insurability.

b. In the area of loan origination, § 177.59 proposes that a loan may not be made unless: (1) the borrower or at least one of his parents resides within the lender's normal trade area, (2) the borrower or at least one of his parents has a prior business relationship with the lender, or (3) the borrower will be attending an educational institution located within the lender's normal trade area. This provision is necessitated by past experience, which has shown that serious problems tend to arise where the student is geographically far removed from the lender and has no other ties with it. This type of lending activitiy does not reflect sound and prudent program administration, and high default rates have usually resulted where such practices exist. It is felt that "normal trade area" is a term commonly understood in the lending community, but the Commissioner encourages comment on this term.

The regulations also require a lender, prior to making its first loan to a particular student, to have an employee conduct a personal interview with the borrower during which the nature of the obligations and responsibilities which he will incur are explained to him. The lender must make a written record of this interview, have it signed by the borrower, and provide a copy to the borrower. Although group interviews are not prohibited, no group interview may be conducted for more than five students. An exception to the interview requirements may be granted by the Commissioner only in the case where serious financial or personal hardship to the borrower would otherwise result. In the case of a State agency lender, the State agency may have the meeting conducted by an agent other than an employee of the State. Most State lenders presently require the educational institution to perform the interview and other loan origination functions. The proposed regulation would permit this practice to continue. No other category of lender, however, may delegate loan origination functions to a servicing agency or other party. The interview requirement is proposed because many borrowers have obviously not understood that a Federally insured loan is in fact a loan which must be repaid.

c. In the area of loan servicing, the proposed regulation requires that a lender must maintain records of all events affecting a loan, including change of a borrower's address or status as at least a halftime student, eligibility of the borrower for determent of repayment, payments made on the loan, and transfers of the loan.

As a result of student complaints that lenders do not always respond to their inquiries, the regulations provide that a lender must respond on a timely basis to communications of a borrower or any proper endorser. In any year (prior to commencement of the repayment period) in which the borrower does not submit an application for another loan from the lender, the lender must initiate contact with the borrower in order to determine the borrower's current enrollment status and address and to remind the borrower of his obligations on the loan.

In establishing repayment terms, a lender should take into consideration the current and potential income and obligations of the borrower, and provide the borrower with a repayment schedule which is designed to retire the loan as soon as possible, without resulting in borrower default due to inability to meet an unrealistic repayment schedule. Although borrpwers must be made aware that they are not required to make pay-

ments prior to the beginning of the repayment period, they should be encouraged to do so to the extent possible in order to reduce their overall indebtedness and subsequent interest charges.

d. During the collection phase in the life of a loan, a lender is, under the proposed regulation, responsible for reminding a delinquent borrower of his delinquency through a series of notices, letters, telephone calls, or personal contacts at intervals of not greater than ten days, commencing not later than ten days after the initial date of delinquency. Similar techniques must be instituted against any valid endorser in cases where efforts against the borrower are unsuccessful.

The continued mailing of notices to a delinquent borrower at the same address does not constitute due diligence when it is clear that the borrower no longer resides at that address. Lenders must attempt to determine the correct address through the use of normal commercial collection techniques, including contacting any endorser or other individual named on the borrower's loan application.

If a loan becomes 60 days delinquent, the lender must request preclaim assistance from the Office of Education. Default claims will not be honored unless such pre-claim assistance has been requested. Such assistance consists of attempts to locate the borrower and of letters being sent to him encouraging repayment.

The lender must send a final demand letter to the borrower and any proper endorser not less than 30 days prior to filing a default claim. The borrower or endorser must be permitted 30 days to respond to this demand letter. However, if the lender has no information as to the borrower's (or endorser's) current address, a final demand letter is not required.

A lender must maintain both a payment history and collection history for each borrower in order to keep track of the borrower's status and have adequate documentation supporting a default claim. If a lender determines that a borrower has the ability to repay his loan but refuses to do so, it may, although it is not required to, bring suit against the borrower to recover the amount of the loan together with reasonable attorney fees before filing a default claim. Before instituting such an action, the lender must obtain the approval of the Commissioner and afford the borrower notice that such suit will require him to pay reasonable attorney fees in addition to the unpaid principal and interest of the loan and will be brought unless the borrower acts immediately to cure the default. The Commissioner will normally approve a request by a lender to bring suit, and lenders are encouraged to initiate such action where it is clear that the borrower has the ability to repay his loan.

The Commissioner is aware that some of these provisions on due diligence may impose costs on lenders. Accordingly, he will welcome comments as to these costs which may propose less costly means of achieving the objectives of these provisions.

12. Section 177.60, *Forbearance*, proposes new procedures for forbearance in an effort to encourage forbearance, to reduce the number of default claims, and to minimize paper work between the lender and the Office of Education. However, forbearance may not be used as a means of curing a delinquent or defaulted account.

Existing regulations require prior approval of the Commissioner before any forbearance can be authorized. This option is continued, but in addition, the regulations grant blanket approval by the Commissioner of any forbearance for the benefit of the borrower which may be agreed upon in writing by the borrower and the lender and which results in repayment terms consistent with other statutory and regulatory repayment provisions. For example, under this blanket authority, a lender which had provided a student with a five-year repayment schedule could provide the student with a six-year repayment schedule without prior written approval of the Commissioner. Similarly, a student who is currently being required to repay at an annual rate of $400 a year could have his annual repayment reduced to $360 per year without prior approval.

This provision would permit lenders to grant forbearance without seeking the Commissioner's approval in each instance. This process should be instrumental in reducing processing time for a lender who wishes to exercise forbearance. It also should reduce unnecessary defaults, since lenders should be more willing to exercise forbearance once the administrative obstacles to its use have been removed.

The Commissioner may also enter into an agreement with a lender which will permit the lender, without further approval by the Commissioner, to exercise other forbearance for the benefit of the borrower provided: (a) the forbearance is limited to those borrowers whom the lender reasonably believes intend to repay their loans but are financially unable to make payments currently in accord with the terms of the note; (b) the forbearance agreement is signed by both the borrower and the lender on a form provided or approved by the Commissioner; (c) the borrower may be permitted to defere payments altogether or to make lesser payments than otherwise required by regulations for a period of not more than six months if the lender is a school, an insurance company, a pension fund, or an agency or instrumentality of a State or for a period of not more than one year in the case of other lenders; and (d) during periods of forebearance, the lender contacts the borrower at least every two months in order to remind the borrower of his obligation. Under certain circumstances, the lender may request approval from the Commissioner for an extension of an individual period of forbearance.

13. Section 177.61, *Transfers of insured loans*, has been extensively modified in order to eliminate serious problems associated with loan transfers which have been experienced in the administration of the Federal Insured Student Loan Program. Additional inquiries and actions required of the parties to a transfer are proposed in order to protect the interests of the potential transferee and to minimize the possibility of loss to the Federal Government resulting from a default claim on the transferred loan.

The new regulation makes it clear that a transferee filing a default or other claim with the Commissioner must provide the same documentation (as specified in § 177.64) that would be required if the original lender was filing the claim, in order that the Commissioner may determine if the claim is payable. Loan notes which are transferred from one lender to another must bear effective words of assignment and be signed and dated by both the buyer and the seller as well as any third party involved in arranging the transfer of the loan; in this way the Commissioner may monitor brokerage activities and assure himself that the transferee has legal ownership of a loan. No loan may be transferred or assigned, including assignment as security, if the purchaser has not reasonably determined, and documented in its records, that the note represents a loan actually disbursed to a student and that due diligence (as described in § 177.59) has been exercised with respect to that loan prior to the transfer or assignment; such a provision should prevent cases where the Commissioner must advise a transferee that its claim is being denied because of some action of the transferor.

The proposed regulations specify that a loan may not be transferred if either party to the transfer has knowledge that the borrower did not attend a participating educational institution during the period for which the loan was intended, that the borrower is delinquent or is in default, or that other defects affecting the insurability of the loan exist. These provisions should not merely protect the transferee but also increase the likelihood of replayment by the borrower by having him not deal with a previously unknown lender once a problem relating to repayment arises.

In order to assist the transferee in verifying that none of the conditions described above as precluding transfers exist, the transferor of the loan note must certify to this effect on a form provided or approved by the Commissioner. In addition, the transferor must indicate on the form whether the loan was originally made by a lender having a special relationship with an educational institution (as described in § 177.65(c)), and whether, to its knowledge, the educational institution attended by the student borrower has closed, become insolvent, or become involved in bankruptcy proceedings. Again, these are factors which may adversely affect the likelihood of repayment or the payment of a default claim, and they are thus matters of which a potential transferee should be made aware.

In recognition that some lenders may be reluctant to purchase loans under

these more stringent transfer requirements, the regulations also provide that a transferee may obtain a warranty from the transferor of the loan covering any future reductions in the amount of a default claim which may be made by the Commissioner.

The Commissioner is especially interested in receiving comments from lenders on this section with regard to the extent that these new requirements may increase the lender's administrative costs and work load. In addition, the Commissioner would like to be apprised of the extent to which such regulations may serve as a deterrent to loan transfers.

14. Section 177.62, dealing with the cancellation of a loan on account of the borrower's death or total and permanent disability, has been modified to require the holder of a loan to return any payments received from the estate of a borrower or paid on behalf of the borrower after the determination of death has been made.

The proposed regulation also specifies that once the holder has reason to believe that a borrower has become totally and permanently disabled, the holder may not attempt to collect on the loan from the borrower or an endorser until a final determination has been made by the Commissioner as to whether the borrower is in fact disabled. Any payments received by the lender after the holder has reason to believe that the borrower is disabled but before the Commissioner has made such a determination must be retained by the holder and returned to the borrower at such time as the Commissioner determines that the borrower is totally and permanently disabled. Payments received after the Commissioner's determination that a borrower is disabled must also be returned to the borrower.

15. New section 177.63, *Cessation of lender collection activity in certain cases,* is proposed in order to take into consideration the problems that borrowers sometimes face when certain conditions exist which may impact on their ability or willingness to repay their loans. Rather than having the lender placed in the difficult position of trying to collect such a loan, the proposed regulations require the lender to file a default claim within 60 days of making a determination that one of the following conditions exist (whether or not the loan is in the repayment period or the borrower is eligible for deferment under § 177.58(f)):

a. The educational institution which the borrower attended closed during the academic term for which the loan was made;

b. The Commissioner has directed that a default claim be filed as a result of an action which the Commissioner has commenced under Subpart H to limit, suspend, or terminate the eligibility of the educational institution which the borrower attended (or of a lender which has held the loan); or

c. The borrower, a State or local agency, or another Federal agency has instituted legal proceedings against a school or eligible lender alleging facts which, if proven, would in the judgment of the lender entitle the student borrower to refuse to repay all or a portion of the loan or to obtain a judgment for recovery of payments previously made on the loan.

When a lender is required to file a default claim under the provisions of this section, the lender may not report to any credit bureau or other third party concerning the borrower's failure to repay his loan. The Commissioner will pay the default claim if he finds that the loan is otherwise insurable and that one of the conditions just described actually exists. He will then pursue the borrower for repayment only to the extent provided for in § 177.67. If the Commissioner finds that the lender's determination that one of these conditions exists is not correct, he shall refuse payment on the claim and the lender shall be required to resume collection activity on the loan in the same manner as if the determination had not been made.

16. Section 177.64, *Procedures for filing and payment of claims,* has been modified to specify certain documents which the Commissioner requires when a default or other claim is filed. These documents are needed in order to ascertain the insurability of a loan as well as to assess whether the loan has been handled properly by the lender and to provide the Commissioner with a legal basis for pursuing the borrower for repayment (in the case of a default claim).

The section has also been revised to require that, after a lender has filed a default claim which has been paid or is pending, and the lender determines that the borrower has been adjudicated a bankrupt, the lender may not file a proof of claim with the referee in bankruptcy but shall promptly forward the notice of the first meeting of creditors to the Office of Education in order that the Office of Education may file a proof of claim.

In order to facilitate collection action by the Commissioner against a defaulted borrower or additional matters which may be required of a lender as a condition for payment of a claim, the proposed regulations require that a lender must file a claim with the Commissioner within 60 days after it has been determined that the loan is in default, within 30 days after the receipt by the lender of the notice of the first meeting of creditors from the bankruptcy referee, or within 60 days after the lender determines that the borrower has died or the lender has been notified by the Commissioner that the borrower has been determined to be totally and permanently disabled. The Commissioner may reject claims filed after these periods. However, recognizing that there may be cases where a loan may still be collectable after the 120-day default period provided for by law, the proposed regulations permit the lender, where it reasonably determines that a loan in default may still be collectable, to refrain from filing a default claim for a reasonable time after the normal 60 day period (following the 120-day default period) provided certain documented collection efforts are continued. If the default is still not cured, the lender must file the claim within 60 days after it is determined that the loan is uncollectable, but in no case later than six months after the normal 60 day period for filing a default claim.

The Commissioner believes that the timely filing of claims is essential in order that the Commissioner may institute collection efforts to recover the amount of the loss in the case of defaults. When lenders delay for a significant period of time beyond the date of default, collection efforts become much more difficult and less successful. It should also be noted that the General Accounting Office has strongly urged that timely filing of claims be required of lenders.

The regulations have also been amended to indicate the extent to which the Commissioner will insure payment of interest on those loans (described at the beginning of § 177.65) which are eligible for the insurance of interest as well as the insurance of principal. If a loan has been handled properly, all interest accruing through the period required for the Commissioner to approve the claim for payment is insured.

17. Section 177.65, *Determination of amount of loss on default claims,* contains a new proposed paragraph (d) in order to clarify that the Commissioner may deny payment of a default claim on a loan if certain of these regulations have been violated. Certain violations of the regulations are by their nature non-curable, and eighteen examples of the types of non-curable regulatory violations for which default claims may be denied are included. The proposed regulations also provide eight examples of violations of the regulations for which default claims may be denied but which might be cured if conditions specified by the Commissioner are met.

Paragraph (d), however, also specifies that some regulatory violations may be excused by the Commissioner if the lender submitting the claim satisfies the Commissioner that: (a) The violation did not contribute to the default; or (b) the violation was committed by a prior holder of the loan and the Commissioner is satisfied that:

(i) the loan transfer transaction was entered into at arm's-length,

(ii) the transferee inquired of the transferor as to whether the specific violation had occurred and was advised that it had not, and

(iii) the lender filing the claim otherwise had no knowledge of the violation at the time of the transfer and could not have become aware of the violation through examination of the loan documents.

It should be noted that any violation of these regulations, regardless of whether it leads to denial of default claims, could form the basis for the limitation, suspension or termination of the eligibility of a lender from further participation in the Federal Insured Student Loan Program.

The Commissioner believes that clarification as to when a default claim may be denied is desirable in order that lend-

ers are made fully aware of the importance of complying with these regulations. However, the new paragraph (d) would not effect major changes in the Commissioner's current practices regarding the examination and disposition of default claims.

18. Section 177.66, *Records, reports and inspections*, specifies that lenders must keep certain types of records reflecting each loan transaction so as to afford ready identification of the borrower's account and status and containing full and proper documentation to support a claim for loss. The regulations require that lenders must retain these records for not less than five years after the loan has been paid by the borrower or the lender has been reimbursed for a loss by the Commissioner. Previous regulations had specified that such records had to be maintained for three years. The additional two years has been found necessary in order to provide auditors and field examiners an opportunity to examine pertinent records so as to ensure that a lender is conducting its lending activities properly. In addition, experience has shown that cases of program abuse can take longer than the present three year period to resolve. This five year period is also within the six year statute of limitations for legal action against a lender.

19. New section 177.67, *Collection efforts by the Commissioner after payment of default claims*, clarifies to what extent the Commissioner will attempt to obtain repayment from a defaulted borrower after a claim has been paid to the holder of the loan. The Commissioner will follow the following standards:

a. Where the Commissioner determines that the borrower (or endorser) has a defense on the loan, he shall refrain from collection to the extent of the defense.

b. If the Commissioner determines that the borrower is entitled to a refund from an educational institution for the period for which the loan was made, the Commissioner shall refrain from collecting the loan to the extent of the unpaid refund, provided that the borrower assigns his right to the refund to the Commissioner and the borrower repays the remaining portion of his indebtedness, if any.

c. If the educational institution attended by the borrower closed during the period covered by the loan, the Commissioner shall forgive the borrower's indebtedness to the extent that the borrower would have had a defense on the loan if the loan had been made by the school, was part of the same transaction as the student's enrollment at the school, and was in consideration for educational services that were to be provided by the school, provided that the borrower assigns his right to receive any refund due him from the school to the Commissioner and the borrower repays the remaining portion of his indebtedness, if any.

d. If the borrower, a State or local agency, or another Federal agency has instituted legal proceedings against a school or eligible lender alleging facts which, if proven, would in the judgment of the Commissioner entitle the borrower to refuse to repay all or a portion of the loan or to obtain a judgment for recovery of payments already made on the loan, the Commissioner shall, if certain conditions are met, suspend his collection activity pending the resolution of the proceedings.

e. If the Commissioner has instituted an action under Supbpart H to limit, suspend, or terminate the eligibility of the school attended by the borrower (or any lender which has held the loan), he shall suspend his collection activity during such proceedings if he believes that the outcome of the proceedings may affect the borrower's repayment obligation.

f. The Commissioner shall not attempt to collect from a borrower or endorser who has died or become totally and permanently disabled, or from the estate of a deceased borrower or endorser.

The purpose of these provisions is to forgive loans where equity so requires. However, on all other defaulted loans, the regulation indicates that the Commissioner will vigorously pursue the borrowers, using litigation where appropriate, to recover the amount of the loss incurred upon payment of a default claim by the United States. Interest accrues on a loan throughout the life of the loan (including after default) and the borrower shall be required to pay such interest as well as the unpaid principal balance of the loan.

SUBPART G—REQUIREMENTS AND STANDARDS FOR PARTICIPATING EDUCATION INSTITUTIONS

20. Section 177.73(e) (existing § 177.-63(e)), dealing with the allocation of a refund paid by an educational institution in the event of early student withdrawal from school, is proposed to be modified to require that a participating institution must pay a portion of the refund (representing the proportion of all the student's financial aid which the amount of the loan represented) directly to the lender (or to a subsequent holder, if the institution has knowledge of its identity) and provide written notice to the student of this action. The student shall be deemed to authorize such action by applying for a loan. The lender, pursuant to § 177.16, will apply such a portion of the refund to reduce the unpaid balance of the loan.

Many students who receive refunds from educational institutions have not been aplying these refunds to reducing the loan balance, but have been using the money for other purposes. By proposing this regulation, the Commissioner intends that an equitable portion of a refund will be applied to reduce the loan balance and thus reduce the likelihood of default as well as the amount of any subsequent default claim. Since the amount of a loan is based upon an assumption as to the borrower's educational costs for the period of a loan, he should not be allowed to retain the entire amount of the loan when his costs are reduced through a refund from his educational institution.

EDUCATION AMENDMENTS OF 1976

As noted in this preamble, Pub. L. 94–482, the Education Amendments of 1976, enacted on October 12, 1976, makes numerous amendments to Title IV–B of the Higher Education Act, which authorizes the GSLP.

The comprehensive revision of the GSLP regulations proposed in this notice was prepared prior to the enactment of Pub. L. 94–482. Upon the enactment of the law, the Commissioner had to decide whether to delay publication of the proposed regulations until they could be revised so as to comport fully with the new law or to publish them in their present form for public comment. After carefully considering the matter, the Commissioner decided that it was in the best interest of the program to begin this important rulemaking proceeding now.

Although certain of the provisions of the proposed regulations will have to be altered in the light of the new law, a great many of the provisions of the proposed regulations are not affected by the new law. Many of the provisions of the proposed regulations which are affected by the new law may be brought into conformity with it through changes made in the final regulation. Also, a large number of the provisions in the proposed regulation which are unaffected by the new law relate to improvements in the program designed to curb abusive practices which have impaired the sound operation of the program. Providing the public with the earliest possible opportunity to study and comment upon these provisions, rather than deferring their publication pending a complete updating of the proposed regulations in line with P. L. 94–482, is in keeping with the Department's objectives of full public participation and improved administration of the GSLP program.

Further, in issuing these proposed regulations the Commissioner is providing detailed information, as more fully described below, concerning those provisions of the new law which affect the proposed regulations and those provisions of the new law which may require implementing regulations regarding matters not covered in these proposed regulations. This information is designed to enable the public to assess the Department's current proposals regarding GSLP administration and the impact of the new law at the earliest possible stage.

A chart highlighting the changes to the statutory basis of the GSLP contained in the Education Amendments of 1976 (Pub. L. 94–482) appears immediately following the proposed regulations. The chart is in two parts. Part I of the chart is designed to help the reader identify areas in the proposed regulations which are or may be affected by the new law. Affected regulation sections are presented in numerical order. A few of these sections contain provisions which conflict with the new law. An example is identified at Item No. 6: section 177.21 (a) (1) (iii) of the proposed regulations provides that the adjusted family income cut-off for automatic eligibility for an interest subsidy on a loan is $15,000. Pub.

L. 94–482 increases that cut-off to $25,000. In other cases a proposed regulation, while not in actual conflict with a new provision of the law, now fails to accurately implement it. Examples are identified at Items No. 16 and No. 27: sections 117.33(a)(1)(xi) and 177.58(b)(2) of the proposed regulations set the minimum annual per person repayment on a loan at $360. Title IV–B, as amended now, provides an exception in the case of a husband and wife who both have repayment obligations. In this case, the combined minimum repayment of the husband and wife is $360.

Part II of the chart identifies other changes made in the law governing the GSLP by Pub. L. 94–482. Certain of these changes do not affect the current content of the proposed regulations because the changes represent new concepts about which the proposed regulations are silent. These changes in the law may require new implementing regulations. An example is contained at Item No. 12: payments are provided to eligible institutions according to the number of students receiving GSLP loans to cover institutional administrative costs. Also included in this part are those changes in the law which appear to neither require changes in the proposed regulations nor publication of new implementing regulations. An example of this is identified at Item No. 29: student loans may not be discharged in bankruptcy until five years after the beginning of the repayment period.

Besides giving readers information concerning the impact of the new law on the proposed regulations, the chart serves another important purpose. A number of these new provisions will require new implementing regulations or modifications of the current proposed regulations. For this reason, at the six hearings scheduled on the content of the proposed regulations, the Department invites testimony by interested persons about how the Commissioner should implement the new provisions. Written comments and observations are also invited on this question. These comments and observations, both written and oral, will be considered by the Commissioner prior to formulating rules to implement the new law.

The chart contains summary references and section citations to the provisions contained in the new law. For reader convenience, a reprint of the portion of the Education Amendments of 1976 affecting the GSLP is printed as an appendix immediately following the chart.

SUBMISSION OF COMMENTS AND PUBLIC HEARINGS ON PROPOSED REGULATIONS

1. All interested persons are invited to submit written comments and recommendations concerning either the proposed rules or the new policy issues occasioned by the Education Amendments of 1976 to the Associate Commissioner, Office of Guaranteed Student Loans, U.S. Office of Education, Washington, D.C. 20202. Hand delivered comments may be delivered to Room 4636, Regional Office Building No. 3, Seventh and D Streets, S.W., Washington, D.C. Such responses to this notice will be avilable for public inspection on Mondays through Fridays between 8:00 a.m. and 4:30 p.m. All relevant material received on or before January 5, 1977, will be considered.

2. All interested persons are also hereby given notice of opportunity to present comments and recommendations orally with respect to the proposed rules or the new legislation at public hearings to be held in the following places on the dates below and commencing at 9:00 a.m. on each of the days specified:

a. HEW Auditorium, 300 Independence Avenue, S.W., Washington, D.C.	November 30, December 1
b. John F. Kennedy Federal Building, Government Center, Room 2003, Boston, Massachusetts	December 2, 3
c. University of Illinois—Circle Campus, Room C–3, Lecture Center, 750 S. Halsted St., Chicago, Illinois.	December 6, 7
d. Earle Cabell Federal Building, Room 7A23—1100 Commerce, Dallas, Texas.	December 9, 10
e. University of San Francisco, University Center, Room 413, 2130 Fulton Street, San Francisco, California.	December 13, 14
f. U.S. Post Office Auditorium, 18th and Stout Streets, Denver, Colorado.	December 16, 17

3. Any person desiring to present his views orally at any of the scheduled hearings should so inform the appropriate representative listed below no later than seven (7) days prior to commencement of the particular hearing at which the person wishes to be heard. Reasonable limitations upon the length of time allocated to any person may be imposed and persons should file with the appropriate office listed below ten copies of all prepared statements:

Office of Guaranteed Student Loans, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, 202–472–2840.

Office of Guaranteed Student Loans, U.S. Office of Education, Post Office Box 8370, Boston, Massachusetts 02114.

Office of Guaranteed Student Loans, U.S. Office of Education, Post Office Box 8422, Chicago, Illinois 60680.

Office of Guaranteed Student Loans, U.S. Office of Education, 1200 Main Tower, Dallas, Texas 75202.

Office of Guaranteed Student Loans, U.S. Office of Education, 11023 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Office of Guaranteed Student Loans, U.S. Office of Education, 50 United Nations Plaza, San Francisco, California 94102.

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program.)

Dated: September 2, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: October 22, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Subparts A, B, C, D, and E and § 177.63 (e) of Part 177 of Title 45 of the Code of Federal Regulations are revised and redesignated to read as set forth below. (If these provisions are adopted, various technical and conforming changes will be made to other sections of Part 177.)

Subpart A—Purpose and Scope

Sec.
177.1 Program purpose and statutory authority.
177.2 Guarantee agency programs.
177.3 Direct State loan programs.
177.4 Federal Insured Student Loan Program (FISLP).
177.5 Applicability of subparts in Part 177.

Subpart B—General Provisions

177.11 Definitions.
177.12 Permissible charges to students.
177.13 Prohibited transactions.
177.14 Affidavit.
177.15 Forms.
177.16 Treatment by lenders of refund amounts received from participating institutions.

Subpart C—Federal Payments

177.21 Interest benefits.
177.22 Adjusted family income.
177.23 Special allowance.
177.24 Death and disability payments.
177.25 Administrative cost allowance.

Subpart D—Guarantee Agency Programs

177.31 Scope.
177.32 Agreements between guarantee agencies and the Commissioner.
177.33 Payment of Federal interest benefits.
177.34 Payment of Federal advances for reserve funds.
177.35 Federal reinsurance.
177.36 Records, reports and inspections.

Subpart E—Direct State Loan Programs

177.41 Scope.
177.42 Requirements for payment of Federal interest benefits and death and disability payments.
177.43 Records, reports and inspections.

Subpart F—Federal Insured Student Loan Program

177.51 Circumstances under which loans may be federally insured.
177.52 Agreements between eligible lenders and the Commissioner.
177.53 Conditions for insurability of individual loans.
177.54 Limitations on maximum loan amounts.
177.55 Issuance of Federal loan insurance.
177.56 Insurance premiums.
177.57 Disbursement of loans.
177.58 Repayment of loans.
177.59 Due diligence.
177.60 Forbearance.
177.61 Transfers of insured loans.
177.62 Cancellation of loan for death or disability.
177.63 Cessation of lender collection activity in certain cases.
177.64 Procedures for filing and payment of claims.
177.65 Determination of amount of loss on default claims.
177.66 Records, reports and inspections.
177.67 Collection efforts by the Commissioner after payment of default claims.

Subpart G—Requirements and Standards for Participating Educational Institutions

177.71 Agreements between eligible institutions and the Commissioner.
177.72 Procedures, records and reports.
177.73 Refunds.
177.74 Provision of information to a prospective student.

Sec.
177.75 Admissions criteria for a vocational, trade or career program.
177.76 Additional standards for evaluating an eligible institution.

Subpart H—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs Under This Part

177.81 Purpose and scope.
177.82 Definitions.
177.83 Possible sanctions.
177.84 Effect on prior participation.
177.85 Informal compliance procedure.
177.86 Suspension.
177.87 Limitation and termination.
177.88 Denial or limitation of initial application or reinstatement.

AUTHORITY: Title IV, Part B, sections 421–438 of Pub. L. 89–329, 79 Stat. 1236, as amended (20 U.S.C. 1071 to 1087–1), unless otherwise noted.

Subpart A—Purpose and Scope

§ 177.1 Program purpose and statutory authority.

(a) The purpose of the Guaranteed Student Loan Program (GSLP) is to make low interest loans available to students for postsecondary educational expenses. The program provides benefits under loan guarantee programs of State and private nonprofit agencies, under direct State loan programs, and, in limited circumstances, under a program of Federal loan insurance.

(b) The basic statutory authority for the program is Title IV, Part B of the Higher Education Act of 1965 (20 U.S.C. 1071 to 1087–1). Other applicable legislation includes the Emergency Insured Student Loan Act of 1969 (20 U.S.C. 1078a), the General Education Provisions Act (20 U.S.C. 1221–33h), and parts of Title IV, Part F of the Higher Education Act of 1965 (20 U.S.C. 1088–89).

(20 U.S.C. 1071 to 1087–1)

§ 177.2 Guarantee agency programs.

(a) The Commissioner encourages States and nonprofit private agencies to establish adequate loan insurance programs for students in eligible educational institutions. (Subpart D of this Part). To meet this objective, Federal advances have been made or are available to such agencies for the purpose of helping to establish or strengthen the reserve funds used by such agencies as a basis for guaranteeing loans made by participating lenders. (§ 177.34)

(b) The Commissioner may reinsure loans made under a guarantee agency program to the extent of 80 percent of the amount expended by the agency in discharge of its insurance obligation on the unpaid balance of the principal amount of loans covered. (§ 177.35)

(c) Loans made under guarantee agency programs may qualify for payment of Federal interest benefits (§ 177.21) and special allowances (§ 177.23). The Commissioner will also discharge a borrower's liability on a loan in the event of the borrower's death or total and permanent disability. (§ 177.24)

(d) In order to qualify for the benefits set forth in this section, guarantee agency programs must meet certain Federal requirements, as set forth in the law and this part (particularly Subpart D of this Part). However, within these limitations, guarantee agency programs may vary considerably, and there are numerous differences among agencies on such matters as the percentage of a loan guaranteed, annual and aggregate loan maximums for individual students, student eligibility, and lender and school eligibility.

(20 U.S.C. 1071, 1072, 1078, 1078a, 1082, 1087.)

§ 177.3 Direct State loan programs.

(a) *Definition.* A direct State loan program is a program of student loans whereby a State makes loans directly to students which are not guaranteed or insured under a guarantee agency program or the Federal Insured Student Loan Program. On August 1, 1976, there were no direct State loan programs in operation.

(b) Loans made under a direct State loan program may qualify for payment of Federal interest benefits and, if a borrower dies or becomes totally and permanently disabled, the Commissioner will discharge his liability on a loan by reimbursing the State for the amount owned on the loan. However, loans made under direct State loan programs are not eligible for payment of special allowances.

(c) In order to qualify for the benefits set forth in paragraph (b) of this section, a direct State loan program must meet certain Federal requirements, as set forth in this part (particularly Subpart E of this section).

(20 U.S.C. 1071, 1078, 1078a, 1082, 1087)

§ 177.4 Federal Insured Student Loan Program (FISLP).

(a) The Commissioner provides a program of Federal student loan insurance (FISLP) for certain circumstances in which students or lenders do not have reasonable access to a guarantee agency program. (Subpart F of this Part). The specific conditions under which this program operates are set forth in § 177.51. In general, however, in a State where there is no guarantee agency program, the FISLP is available to all eligible lenders in that State and for loans to all eligible students that such lenders are willing to assist, regardless of the residence of the students. In a State where there is a guarantee agency program, the FISLP is, in general, available to lenders in the State only for loans to students attending schools not having access to the guarantee agency program or to students who, on account of their residence, do not have access to such program. The FISLP is also available, as set forth in § 177.51, for all of the loans made by a lender who satisfies the Commissioner that, by reason of the residence of its intended borrowers, it will not have access to any single guarantee agency program which will insure substantially all of the loans it intends to make.

(b) Loans made under the FISLP may qualify for payment of Federal interest benefits (§ 177.21) and special allowances (§ 177.23). The Commissioner will also discharge a borrower's liability on a loan in the event of a borrower's death or total and permanent disability (§ 177.24).

(c) In order to qualify for Federal insurance and the benefits set forth in paragraph (b) of this section, lenders must meet certain Federal requirements, as set forth in the law and this part (particularly Subpart F of this Part).

(20 U.S.C. 1071 to 1087–1)

§ 177.5 Applicability of subparts in Part 177.

Loans made under student loan insurance programs of State and private nonprofit guarantee agencies are subject to the provisions of Subparts A, B, C, D, G, and H of this Part. Loans made under direct State loan programs are subject to the provisions of Subparts A, B, C, E, G, and H of this Part. Loans made under the Federal Insured Student Loan Program are subject to the provisions of Subparts A, B, C, F, G, and H of this Part. Educational institutions which make loans or whose students have received loans under any of these programs are also subject to the provisions of Subpart G and H. Lenders which make or hold loans under the Federal Insured Student Loan Program are also subject to the provisions of Subpart H of this Part.

(20 U.S.C. 1071 to 1087–1)

Subpart B—General Provisions

§ 177.11 Definitions.

As used in this part:

(a) "Academic year" means a period of time, typically 8 or 9 months, in which a full-time student would normally be expected to complete two semesters, two trimesters, three quarters, 900 clock hours of instruction, or its equivalent. Eighteen months shall be considered the equivalent of an academic year with regard to a program offered by correspondence.

(b) "Default" means the failure of a student borrower to make an installment payment when due, or to comply with other terms of the note or other written agreement evidencing a loan under circumstances where the Commissioner (or the pertinent guarantee agency) finds it reasonable to conclude that the borrower no longer intends to honor his obligation to repay, where such failure persists (i.e., is not cured either by payment or other appropriate arrangements) in the case of a loan repayable in monthly installments for 120 days, or in the case of a loan repayable in less frequent installments for 180 days.

(c) "Disbursement" of a loan means the transfer by a lender of loan proceeds to the student borrower. Where the participating institution is the lender, the term also means a credit to the student borrower's account with the institution together with contemporaneous written notice to the student borrower that such a credit is being made.

(d) "Eligible institution" or "institution" means (1) an institution of higher education, (2) a vocational school, or

(3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part. In cases where the Commissioner does not determine the entire institution to be eligible, the term includes only those individual units or programs wthin an institution which have been determined by the Commissioner to meet all the requirements for institutional eligibility pursuant to paragraphs (1) or (t) of this section.

(e) "Eligible lender" means (1) a financial or credit institution (including a bank, a savings and loan association, or a credit union) which is subject to examination and supervision in its capacity as a lender by an agency of the United States or of the State in which it has its principal place of business, or (2) a pension fund approved by the Commissioner for this purpose, an insurance company which is subject to examination and supervision by an agency of the United States or of the State in which it has its principal place of business, an institution of higher education, a vocational school, or an agency or instrumentality of a State.

(f) [Reserved]

(g) "Full-time," with reference to a student's academic workload means that the student is carrying a sufficient number of credit hours, clock hours, or their equivalent to secure the degree or certificate toward which he is working in no more than the number of semesters, terms, or clock hours normally taken therefor at the institution in which he is enrolled. The student's workload may include any combination of courses, work experience, research, or special studies (whether or not for credit but not including study by correspondence) which the institution considers sufficient to classify the student as a full-time student, but in the case of a student enrolled in a vocational school, not less than 25 clock hours per week or 14 semester or quarter hours of instruction, or its equivalent.

(h) "Graduate or professional student" means a student who is enrolled in an academic program of instruction beyond the undergraduate level which is provided at an institution of higher education. Such an academic program may include any portion of a program leading to (1) a first professional degree, when the equivalent of at least 3 years of full-time study at an institution of higher education is required for entrance into the program, or (2) a degree beyond the bachelor's or first professional degree.

(i) "Guaranty agency" means a State agency or private nonprofit institution or organization which administers a student loan insurance program.

(j) "Half-time," with reference to a student's academic workload, means that the student is carrying at least one-half of the normal full-time workload as determined by the institution in which he is enrolled, provided that any student enrolled in an eligible program of study by correspondence shall be considered a half-time student.

(k) "Holder" includes, with reference to a loan covered by this part, an eligible lender or the Student Loan Marketing Association, but not a guarantee agency with respect to loans insured by it.

(l) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, and does not admit more than a small proportion of persons not having such a certificate or its equivalent, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. If the Commissioner determines that a particular category of such schools does not meet the section because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (A) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the programs covered by this part, and (B) determine whether particular schools not meeting the requirements of paragraph (l)(5) of this section meet those standards. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(m) "Internal Revenue Code" means the Internal Revenue Code of 1954, as amended (title 26, United States Code).

(n) "Line of credit" means an arrangement or agreement between the lender and the borrower whereby a loan is paid out by the lender to the borrower in annual installments, or whereby the lender agrees to make, in addition to the initial loan, additional loans in subsequent years.

(o) "Matriculate" means that a student has completed all the requisite steps in the enrollment and registration process and has commenced the attendance period. In the case of a program of study by correspondence, the student shall be deemed to have commenced attendance only by the submission of one lesson, completed by him after his acceptance for enrollment and without the assistance of sales or admissions personnel or agents of the eligible institution.

(p) "Participating institution" means an eligible institution which has entered into an agreement with the Commissioner pursuant to the provisions of § 177.71.

(q) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(r) "Student" means a person who (1) is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands (except that a student attending an institution outside the States must be a national of the United States); (2) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate or, in the case of a vocational school student, attends neither elementary nor secondary school, is beyond the age of compulsory school attendance in the jurisdiction where he lives, and has demonstrated the ability to benefit from the training offered by such vocational school pursuant to the provisions of § 177.75; (3) is enrolled at an eligible institution and in good standing (as determined by the institution) or has been accepted for enrollment at an eligible institution; (4) plans to carry or is carrying, during the period for which the loan is intended, at least one-half the normal full-time workload as determined by the institution; (5) if enrolled in a program of study by correspondence, plans to engage or is engaging in an average of at least 12 hours of preparation per week over any 12 week period during which he is so enrolled, and (6) if enrolled in a flight school program at a vocational school or institution of higher education, plans to pursue or is pursuing a full-time program leading to commercial flight ratings, has completed ground school training or is taking it concurrently with flight training, holds a private pilot's certificate (or has sufficient flight hours to qualify for such certificate), and holds at least a Class-II medical certificate.

This term also includes a person who does not have a certificate required by paragraph (r)(2) of this section, but otherwise meets the requirements of this paragraph and has been admitted by an institution of higher education which admits a small proportion of such persons.

(s) "Totally and permanently disabled" means unable to engage in any substantial gainful activity because of a medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

(t) "Vocational school" means a business or trade school, technical institution or other technical or vocational school in any State which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have demonstrated the ability to benefit from the training offered by such institution pursuant to the provisions of § 177.75; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education which (i) is designed to provide occupational skills more advanced than those generally provided at the high school level and to fit individuals for useful employment in recognized occupations, (ii) provides no less than 300 clock hours of classroom instruction or its equivalent or, in the case of a program offered by correspondence, requires not less than an average of 12 hours of preparation per week over any 12 week period and completion is not less than 6 months, and (iii) in the case of a flight school program, maintains current valid certification by the Federal Aviation Administration and is approved for veterans' training according to procedures established by the Veterans Administration; (3) has been in existence for 2 years or has been specially determined by the Commissioner pursuant to regulation to be an institution meeting the other requirements of this paragraph and to be eligible to participate in programs under this part; and (4)(i) is accredited by a nationally recognized accrediting agency or association recognized by the Commissioner for this purpose, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit institutions of the particular category encompassing such institution, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iv) if the Commissioner determines that there is no nationally recognized accrediting agency or association or State approval agency qualified to accredit or approve institutions of the particular category encompassing such institutions, is approved by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, pursuant to standards of content, scope, and quality prescribed by the committee for that purpose. An institution which has been approved pursuant to paragraph (t)(4)(iv) of this section must, in order to remain an eligible institution, become accredited within 3 years after the Commissioner has designated a nationally recognized accrediting or State approval agency for the particular category of institutions which encompasses such institution. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State approval agencies which he has determined to be reliable authority as to the quality of education or training afforded.

(20 U.S.C. 1080, 1082, 1085, 1087, 1087-2, 1088, 1088a, 1141.)

§ 177.12 Permissible charges to students.

(a) *Interest.* (1)(i) The maximum rate of interest on the unpaid principal balance of any loan covered by this part may not exceed 6 percent interest per year with respect to loans made prior to August 3, 1968, and 7 percent interest per year on loans made thereafter, calculated from the date of disbursement of funds by the lender to the borrower, exclusive of any premium for insurance. A student borrower shall not be liable for any portion of the interest on a loan which is payable by the Commissioner.

(ii) *Compounding.* In determining the unpaid principal balance of a loan made under this part for purposes of Federal interest benefits under § 177.21 and the special allowance under § 177.23, a lender may not include interest which has accrued on the loan or (in the case of a loan made under Subpart D of this Part) on unpaid insurance premiums. In determining the unpaid principal balance of a loan made under Subpart D of this Part for purposes of Federal reinsurance under § 177.35, a guarantee agency may not include interest which has accrued on the loan or on unpaid insurance premiums. On a loan made under Subpart F of this Part, for purposes of the borrower's liability to a lender (and thus for purposes of determining the amount of the lender's loss on a default, death, or total and permanent disability claim under § 177.65), the lender may not charge interest on accrued interest except as authorized in § 177.58(g) or on interest which accrues during a period of authorized deferment under § 177.58(f).

(2) In no event may a lender's method of computing interest result in an actual rate in excess of the allowable maximum rate of interest. The lender may use (i) the "Approximate Time-Ordinary Interest" method, or (ii) the "Exact Time-Exact Interest" method. Use of the "Banker's Rule" ("Exact Time-Ordinary Interest") is prohibited because this method results in an actual rate in excess of the allowable maximum rate of interest.

(b) *Insurance premiums.* (1) The maximum rate for insurance premiums which may be charged the lender and passed on to the borrower may not exceed, in the case of loans insured under State and private nonprofit loan insurance programs, the equivalent of 1 percent per year of the unpaid principal balance of the loan (excluding interest or or other charges which may have been added to principal), or in the case of federally insured loans one-fourth percent per year of the unpaid principal balance of the loan (excluding interest or other charges which may have been added to principal). The term "insurance premium" covers only those charges made by the guarantee agency or the Commissioner to be used to underwrite loans and to cover costs incurred in the administration of the applicable loan insurance program. Such premiums may not be retained by the lender to cover the costs of making a loan or for any other purpose.

(2) Insurance premiums on a federally insured loan shall be paid by the lender to the Commissioner, and may be collected by the lender from the borrower, when the loan is disbursed, in accordance with instructions issued by the Commissioner. Such premiums shall cover the period from the date of disbursement of the loan until one year after the date on which the borrower indicates, at the time he applies for the loan, he will be graduating from the educational institution which he will be attending during the period for which the loan is sought. Such premiums shall not be refundable by the Commissioner, and need not be refunded by the lender to the borrower, even if the borrower graduates or withdraws from the educational institution, or defaults, dies, or becomes totally and permanently disabled, prior to such anticipated graduation date.

(3) If a State or private nonprofit loan insurance program permits insurance premiums to be collected by the lender from the borrower of a loan guaranteed by such program for a period extending no later than 1 year after the borrower's anticipated graduation date, as defined in paragraph (b)(2) of this section, such premiums need not be refunded by the lender to the borrower, under the circumstances specified in paragraph (b)(2) of this section, if the State or private program does not require that such refunds be made. However, if the State or private nonprofit loan insurance program permits insurance premiums to be collected by the lender from the borrower, in advance, for a period extending beyond 1 year after such anticipated graduation date, insurance premiums collected from the borrower must be refunded to the borrower as follows:

(i) In the event of the borrower's graduation or withdrawal from school before his anticipated graduation date, the amount of any insurance premiums attributable to the repayment period shall be re-computed so as to take into account the declining unpaid principal balance of the loan, and any refunds due the borrower as a result of such computation shall be treated as a prepayment of insurance premiums for later periods, if any such premiums will be required, or as a repayment of principal.

(ii) In the event of the borrower's default, the amount of any insurance premiums attributable to subsequent periods shall be credited first against accrued interest and then against the unpaid principal balance of the loan.

(iii) In the event of the borrower's prepayment of the entire unpaid principal balance of the loan, the amount of any insurance premiums attributable to subsequent periods of 2 years or more shall be refunded to the borrower.

(c) *Late charges.* Notes evidencing loans covered by this part may provide for the assessment of a charge for failure of the borrower to pay all or any part of an installment within 10 days after its due date or, by that time, to file satisfactory evidence of entitlement to deferment of such installment under § 177.33, § 177.42, or § 177.58. The amount of such charge may not exceed 5 cents for each dollar of each installment due or $5 for each installment, whichever is less.

(d) *Other charges.* The note evidencing a loan covered by this part may also provide for the payment of reasonable attorney's fees. Other reasonable costs necessary for the collection of any amount not paid when due may be charged the borrower by the holder but may not include normal costs associated with preparing letters and local telephone calls to, and making personal contacts with, delinquent borrowers. Permissible collection charges to the delinquent borrower may include reasonable amounts expended by the holder for telegrams and long distance telephone calls. However, to the extent that it exceeds such permissible charges, a commercial collection agency's fee for the collection of a loan or a service agency's fees for servicing loans, including collection activities, may not be passed on to a borrower, directly or indirectly. No charges other than those authorized by this section may be assessed or passed on to the borrower, directly or indirectly.

(e) In no event may the costs of making a loan under this part (except those specifically provided for in this section) be passed on (in the form of higher tuition charges or otherwise) to the borrower.

(20 U.S.C. 1077, 1078, 1078a, 1079, 1082.)

§ 177.13 Prohibited transactions.

No points, premiums, inducements, or additional interests of any kind may be paid or otherwise extended to any eligible lender or other party in order to secure funds for making loans under this part or to induce an eligible lender to make loans to the students of a particular institution or any particular category of students. Except in circumstances approved by the Commissioner, notes (or any interest in notes) evidencing loans made by an educational institution (or made to students at an educational institution by an eligible lender having common ownership with that educational institution) shall not be sold or otherwise transferred at discount. An eligible institution may not pledge a loan covered by this part as security for a loan bearing aggregate interest and other charges in excess of the sum of the maximum rate of interest authorized by § 177.12(a) plus the rate of the then most recently prescribed special allowance under § 177.23. These prohibitions apply to any eligible institution or eligible lender which would be a party to the proscribed transactions. This section shall not preclude a purchaser of loans made by an educational institution from obtaining a warranty from the seller of such loans covering future reductions by the Commissioner, in computing the amount of insurable loss, if any, on default claims filed on such loans, where such reductions are attributable to an act or failure to act of the seller or previous holder (in matters other than those for which a purchaser is charged with responsibility under this part, such as due diligence in collecting loans under Subpart F of this Part).

(20 U.S.C. 1082)

§ 177.14 Affidavit.

(a) No loan or loan guarantee may be made under this part unless the student to whom it is made has filed with the lender an affidavit, on a form provided or approved by the Commissioner, stating that the money attributable to such loan or loan guarantee will be used solely for expenses related to attendance at the eligible institution which the student intends to attend or is attending.

(b) The students must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at the eligible institution which the student intends to attend or is attending. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(c) The affidavit must be filed with the lender before the lender may apply for Federal insurance or a guarantee from a State or private nonprofit guarantee agency or, where the lender operates a direct State loan program, before the loan for which the student is applying may be made. The lender must retain a copy of the affidavit in accordance with § 177.36, § 177.43, or § 177.66. A copy of the affidavit or a statement that the affidavit has been filed must accompany the lender's application for Federal insurance or for a guarantee from a State or private nonprofit guarantee agency.

(20 U.S.C. 1082, 1088g)

§ 177.15 Forms.

The Commissioner may prescribe the forms on which transactions involving loans covered by this part must be carried out. He may also prescribe the parties by whom such forms must be completed, the parties to whom they must be transmitted, and the times at which they must be transmitted. An eligible institution or an eligible lender, or an agent of either, may not ask or permit a borrower to sign in blank any forms used in connection with loans covered by this part, nor may an eligible institution or an eligible lender itself sign in blank any such forms. Any form submitted to the Commissioner, or used in connection with loans covered by Subpart F, must identify and be signed by any agent acting on behalf of a principal. Any form used in connection with a transfer of loans covered by Subpart F must, in addition, identify and be signed by any third party which completes the form or otherwise facilities the transfer.

(20 U.S.C. 1082)

§ 177.16 Treatment by lenders of refund amounts received from participating institutions.

(a) A holder of a loan made under this part shall treat a payment received from a participating institution under § 177.73(e) which represents the portion of a refund from the institution to a student borrower which is allocable to the loan as a downward adjustment in the amount of the loan.

(b) If an eligible lender receives a payment from a participating institution under § 177.73(e) which represents the portion of a refund from the institution to a student borrower which is allocable to a loan made or previously held by the lender but no longer held by such lender, the lender shall transmit the amount of that payment to the party to whom it transferred or assigned the loan, together with an explanation as to its source. The lender must provide contemporaneous written notice to the borrower of the transmission of this amount.

(20 U.S.C. 1082)

Subpart C—Federal Payments

§ 177.21 Interest benefits.

(a) *Student eligibility.* (1) A student is eligible for payment on his behalf by the Commissioner, to the holder of his loan, of a portion of the interest on the loan (interest benefits) as determined under paragraph (b) of this section if:

(i) the student has received a loan from an eligible lender under:

(A) a State or nonprofit private guarantee agency program meeting the requirements of Subpart D,

(B) a direct State loan program meeting the requirements of Subpart E, or

(C) the program of Federal loan insurance provided for in Subpart F;

(ii) the student has had made on his behalf the statement provided for in paragraph (a)(4) of this section; and

(iii) the student's adjusted family income is:

(A) less than $15,000 and his total loan requests for an academic year do not exceed $2,000; or

(B) less than $15,000 and his total loan requests for an academic year exceed $2,000 and he has had made on his behalf a determination of need provided for in paragraph (a)(3) of this section which includes a recommendation for a loan amount for an academic year in excess of $2,000; or

(C) equal to or greater than $15,000 and the student has had made on his behalf a determination of need provided

for in paragraph (a)(3) of this section which includes a recommendation for a loan in the amount of such need.

(2) In order for a student who meets the conditions described in paragraph (a)(1)(iii)(B) or (a)(1)(iii)(C) to be eligible for payment on his behalf by the Commissioner of interest benefits on his entire loan, the loan amount must not exceed the participating institution's recommendation unless the basis for the lender's making a larger loan has been reduced to writing and made a part of the lender's records, provided that in no case may a lender which is also the participating institution make a loan qualifying for interest benefits in an amount in excess of its own recommendation.

(3)(i) The determination of need and the amount of loans recommended by a participating institution under paragraph (a)(1)(iii)(B) or (a)(1)(iii)(C) of this section shall be made prior to the making of a loan, by a responsible officer of the participating institution which the student would be attending during the period of the loan, by subtracting from the amount estimated by such institution to be the cost of attendance at that institution for the period for which the loan is to be made, the expected family contribution with respect to the student plus any other resources or student aid that the institution determines to be reasonably available to the student during that period.

(ii) For the purpose of this paragraph the "expected family contribution" shall mean the amount which a student, his parents, and his spouse may be realistically expected to contribute toward his postsecondary education for that academic period to be covered by the loan. The determination of the expected family contribution must be made by a participating institution through the use of a method, embodying uniformly applicable standards and criteria, which takes into account the income, assets and resources of the student, and, except where the conditions set forth in § 177.22(c) are met, the income, assets and resources of the student's parents and spouse. Any method used under an agreement between the participating institution and the Commissioner in connection with the administration of any other program of Federal financial assistance (except that developed for the Basic Educational Opportunity Grant Program), or the Alternate Income System, the American College Testing Program system, the College Scholarship Service system, or the Income Tax system, will meet the requirements of this paragraph. Other methods may meet the requirements of this paragraph but only if, except as provided in paragraph (a)(3)(iii) of this section, they produce results which are, on the whole, not dissimilar from those which would be produced under any of the methods specifically authorized by this paragraph. The institution should make appropriate adjustments to the results reached under any of the approved methods (*Provided*, That it documents the basis for any adjustments in its files) if necessary in order to consider more meaningfully the individual circumstances of the student involved and, where applicable, his parents or spouse. Information about the generally recognized methods of needs analysis may be obtained from State or private nonprofit loan guarantee agencies, the regional offices of the U.S. Office of Education, and the Office of Guaranteed Student Loans, U.S. Office of Education, Washington, D.C. 20202.

(iii) With respect to a student whose parents' income need not be considered under § 177.22(c) in computing his adjusted family income, an eligible institution may determine such student's expected family contribution through the use of a method which, by taking into account the family responsibilities of the student, produces results dissimilar from those which would be produced under any of the methods referred to in paragraph (a)(3)(ii) of this section which do not take such factors into account. Such a method must be one which has been promulgated by the Commissioner or which produces results which are, on the whole, not dissimilar from those which would be produced under any method which has been so promulgated.

(4) To have interest payments made on his behalf, a student shall submit to the lender a statement, in such form as the Commissioner may prescribe, which shall include:

(i) a certification by a participating institution that he is enrolled and in good standing (as determined by the institution) at the institution or has been accepted for enrollment and is carrying or plans to carry, during the period for which the loan is intended, the workload required under the definition of "student" in § 177.11;

(ii) information necessary to determine, under § 177.22, his adjusted family income;

(iii) a statement from the participating institution which sets forth for the period for which the loan is sought:

(A) the student's estimated cost of attendance (tuition and fees applicable to the student together with the institution's estimate of other expenses reasonably related to attendance at the institution, including, but not limited to, the cost of room and board, reasonable transportation or commuting costs (but not both) and costs for books); and

(B) the student's estimated financial assistance (the amount of assistance the student will receive under other federally supported financial aid programs plus other scholarship, grant or loan assistance);

(iv) if required under paragraph (a)(1)(iii)(B) or (a)(1)(iii)(C), a statement from the participating institution containng the approprate determination and recommendaion; and

v) information concerning other loans which have been made to him under programs covered by this part.

(5) A lender making a loan under this part may, if acting in good faith and in the absence of information to the contrary, rely upon statements submitted by the borrower, his family, or a participating institution pursuant to paragraph (a)(4) of this section, except that a lender making a loan under the Federal Insured Student Loan Program is precluded to the extent set forth in § 177.53(b) from relying upon certain certifications by an educational institution.

(6) Nothing in this section requires determination of need for a loan or of an expected family contribution or of adjusted family income with respect to the making or insuring of any loan covered by this part if no application for Federal interest benefits is made.

(b) *Payment of interest benefits.* (1) After a loan is disbursed to a student eligible for interest benefits under paragraph (a) of this section, periodic reports shall be submitted to the Commissioner by the holder in such form as the Commissioner may require. On the basis of these reports, the Commissioner will make payments of interest to the holder on behalf of the student.

(2) Payment of interest benefits on behalf of eligible students shall be limited to:

(i) The total amount of the interest on the unpaid principal amount of each loan which accrues under § 177.12(a), prior to the beginning of the repayment period of that loan (as distinguished from the date repayment actually begins);

(ii) The total amount of the interest which accrues, under § 177.12(a), on the unpaid principal amount during periods in which repayment of principal is deferred on account of the borrower's service to the Nation or attendance at educational institutions as provided for in § 177.33(a)(1)(xv), § 177.42(b), or § 177.58(f); and

(iii) With respect to a loan made prior to, or made under a binding commitment made prior to, December 15, 1968, an amount equivalent to 3 percent per year of the unpaid principal amount of such loan which accrues, under § 177.12(a), during the remainder of the repayment period.

(3) In no event shall payments under paragraph (b)(2) of this section include any interest on interest added to principal or exceed the interest payable by the student, after taking into consideration the amount of any interest on a loan which the student is entitled to have paid to the holder on his behalf by a party other than the Commissioner under a State or private nonprofit guarantee agency program.

(4) The Commissioner's obligation to pay interest benefits under this section shall terminate upon default by the borrower, as defined in § 177.11. Such obligation shall also terminate upon a determination of the death or total and permanent disability of the borrower, under § 177.24, except that in cases of death or total and permanent disability where the repayment period has commenced, such obligation shall terminate not later than 120 days following the borrower's failure to pay a regularly scheduled installment, and in cases of death or total and permanent disability where the re-

payment period has not commenced, such obligation shall terminate not later than 120 days following the holder's receipt of a request for loan cancellation on account of such causes.

§ 177.22 Adjusted family income.

(a) *Computation.* In general, for purposes of § 177.21, adjusted family income will be computed by adding together 90 percent of the adjusted gross incomes (as defined in section 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, as defined in section 22 (n) of the Commonwealth Tax Act of 1954) of the student borrower, his spouse, and his parents for the tax year immediately preceding the tax year of execution of the note or written agreement evidencing the loan, and deducting from the sum:

(1) an amount equal to the amount allowable on account of exemptions for these individuals for that year (under section 151 of the Internal Revenue Code or, in the case of residents of Puerto Rico, under section 25 of the Commonwealth Tax Act of 1954); plus

(2) an amount equal to the loss incurred by those individuals on account of a disaster occurring during the preceding tax year or the current tax year in an area which has been declared to have suffered a "major disaster" as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)). The amount of such loss shall be determined in accordance with such instructions as the Commissioner may issue.

(b) *Computation of income from foreign sources.* In cases where any of the income of the borrower, his spouse or his parents is not subject to taxation under the Internal Revenue Code or the Commonwealth Tax Act of 1954 due to the fact that the individual is (1) residing abroad, or (2) a nonresident alien, that income shall be included in the borrower's adjusted family income. Income described in paragraph (b)(1) of this section shall be treated as if subject to taxation under the Internal Revenue Code and computed (together with any income which is subject to taxation) in accordance with paragraph (a) of this section. Income described in paragraph (b)(2) of this section shall be computed in accordance with instructions issued by the Commissioner.

(c) *Exclusion of income of parents or spouse in certain circumstances.* The income of a parent shall be excluded from consideration under paragraph (a) or (b) of this section if the parent has died prior to the determination, or if the borrower is not, and has not been at any time during the 12 months preceding the determination, either (1) residing with (whether or not the borrower paid room and board or otherwise compensated his parents for such residency), (2) claimed as a dependent for Federal income tax purposes by, or (3) the recipient of an amount in excess of $600 from, such parent. If the student's parents have lived together at any time during the 12 month period, in order to meet the restrictions of paragraphs (c)(2) and (3) of this section the borrower must meet the restrictions as to both parents. The borrower need not, however, meet the restrictions of paragraphs (c)(1) and (3) of this section, in order to have his parents' income excluded from his adjusted family income, if the borrower has during the 12 months period, filed a Federal income tax return claiming his parents as dependents. The income of the borrower's spouse shall also be excluded from consideration under paragraph (a) or (b) of this section where, prior to the determination, the spouse has died, the borrower and spouse have been divorced, or there has been a legal separation approved by a court or a separation which has, in fact, existed for 12 months or more. Persons whose income is excluded under this paragraph shall not be required to complete or sign any forms designed for the purpose of computing adjusted family income.

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made in such manner and on the basis of information submitted on such forms as may be supplied or approved by the Commissioner. The determination shall be made each time funds are advanced, except that no new determination need be made with respect to funds advanced (1) within the same tax year as that in which a determination was last made or (2) on a line of credit extended where a determination has been made during the preceding 12 month period in connection with funds advanced on such line of credit.

(20 U.S.C. 1078, 1082)

§ 177.23 Special allowance.

(a) Whenever the Secretary of Health, Education, and Welfare finds that program provisions (such as the 7 percent maximum interest rate), considered in the light of current economic conditions and in particular the relevant money market, are impeding or threatening to impede the program purposes and have caused the return to lenders to be less than equitable, he may prescribe, after consultation with the Secretary of the Treasury and the heads of other appropriate agencies, the payment of a special allowance to be paid by the Commissioner to each holder of an eligible loan or loans. For purposes of this section the term "eligible loan" means a loan disbursed on or after August 1, 1969, which is insured by the Commissioner (under Subpart F of this Part) or by a guarantee agency under a program covered by an agreement with the Commissioner (under Subpart D of this Part).

(b) The amount of a special allowance shall be a percentage, not to exceed a rate of 3 percent per year, of the average unpaid balance of disbursed principal (not including interest or other charges added to principal) of all eligible loans held by a lender during the pertinent period and shall be paid by the Commissioner on the basis of billings submitted in accordance with such instructions as are issued for that purpose. The average unpaid balance of disbursed principal shall be determined, at the election of the holder, either (1) by adding the unpaid balance of disbursed principal of all eligible loans outstanding on the first day of the specified period and the unpaid balance of disbursed principal of all loans outstanding on the last day of such period and dividing by 2, or (2) by adding the unpaid balance of disbursed principal on all such loans outstanding on each day of the specified period and dividing by the number of days in that period (average daily balance method). For purposes of this paragraph a loan shall be considered "outstanding" if it has not been repaid by the borrower and a claim for loss on the loan has not been approved or finally refused by the Commissioner or a guarantee agency. The holder may not change its method of determining the average unpaid balance of disbursed principal without the prior approval of the Commissioner.

(c) The amount of any special allowance shall be established by regulation (not to be codified) with respect to a three month period immediately preceding the three month period in which the regulation is published in the FEDERAL REGISTER.

(20 U.S.C. 1078a, 1082)

§ 177.24 Death and disability payments.

(a) In the event that a borrower of a loan insured by the Commissioner under Subpart F dies or becomes totally and permanently disabled, the Commissioner shall reimburse the holder of the loan in accordance with the provisions of § 177.62, § 177.64, and § 177.65. The provisions of those sections shall also apply in the event that a borrower who received a loan on or after December 15, 1968, under a direct State loan program and on whose behalf the Commissioner has paid interest benefits (as authorized under Subpart E) dies or becomes totally and permanently disabled within 15 years of the date the loan was made, provided that the direct State loan program has not written off the loan as uncollectable and has exercised due diligence in the collection of the loan until the borrower died or became totally and permanently disabled.

(b) In the event that a borrower of a loan made on or after December 15, 1968, and insured under a loan insurance program covered by an agreement between a guarantee agency and the Commissioner under § 177.33 dies or becomes totally and permanently disabled, the Commissioner shall discharge the liability of the borrower in accordance with the provisions of this paragraph (b).

(1) A borrower for whom discharge of a loan is authorized shall be deemed liable for unpaid principal. In addition, he shall be deemed liable for unpaid interest on the loan which accrues during the periods described in § 177.64(g) or (h), except that the references in paragraphs (g)(4) and (5) and (h)(5) and (6) of § 177.64 to the Commissioner shall be understood to be references to the guarantee agency if the loan is held by an eligible lender, and the periods referred to in paragraphs (g)(3) and (h)(4) of

§ 177.64 shall be understood to be periods ending 60 days after the party filing the claim determines that the borrower is dead or is notified that the Commissioner has determined the borrower to be totally and permanently disabled.

(2) A determination as to whether or not a borrower has died or become totally and permanently disabled shall be made in accordance with the provisions of § 177.62, except that the reference to the Commissioner in § 177.62(a) shall be understood to be a reference to the guarantee agency if the loan is held by an eligible lender.

(3) An eligible lender shall submit evidence that a borrower has died or become totally and permanently disabled to the guarantee agency. The guarantee agency shall return to the eligible lender any such submission which is not accurate and complete. Where the evidence is that of a borrower's death the guarantee agency may pay to the holder the amount authorized by this section, and the Commissioner shall periodically reimburse the guarantee agency for such payments. Where the evidence is that of a borrower's total and permanent disability the submission shall, if in proper form, be promptly forwarded to the Commissioner by the guarantee agency. The Commissioner shall advise the holder or the guarantee agency, or both, as to whether or not the holder's determination that the borrower has become totally and permanently disabled is approved. A payment for an approved determination will be made directly to the holder or through the guarantee agency.

(4) In no case shall a loan held by an eligible lender be dischargeable under this paragraph (b) of this section if the loan is no longer considered insurable by the guarantee agency. A loan held by a guarantee agency after payment of a default claim to a lender shall be dischargeable under this section (in an amount reduced by the amount of a reinsurance claim paid by the Commissioner pursuant to an agreement with the guarantee agency under § 177.35, less any subsequent reimbursement to the Commissioner from amounts collected by the guarantee agency from the borrower) provided that the borrower dies or becomes totally and permanently disabled within 15 years of the date the loan was made, the guarantee agency has not written off the loan as uncollectable, and the guarantee agency has exercised due diligence in the collection of the loan until the borrower died or became totally and permanently disabled.

(20 U.S.C. 1082, 1087)

§ 177.25 Administrative cost allowance.

(a) An administrative cost allowance may be paid to holders by the Commissioner with respect to loans insured by the Commissioner (under Subpart F of this Part or by a guarantee agency under a program covered by an agreement with the Commissioner (under Subpart D of this Part) *Provided*, That such loans were made in a State (1) during the period August 3, 1968, through the 120th day after adjournment of such State's first legislative session, adjourning after January 1, 1969, and (2) at a time when under the State law applicable to such loans, interest charges were limited to less than 7 percent.

(b) Such payment may not exceed an amount equal to the lesser of 1 percent per year of unpaid principal of eligible loans (not including interest or other charges added to principal) or the percentage of such unpaid principal which when added to the maximum interest rate that may be charged to the borrower under State law equals 7 percent per year.

(c) Administrative cost allowances may not be paid with respect to any loan made or contracted for prior to August 3, 1968, whether or not consolidated with or converted to a loan made on or after August 3, 1968.

(d) Payment of the administrative cost allowance with respect to eligible loans shall be made in accordance with the rules applicable to payment of interest benefits under § 177.21(b)(1).

(20 U.S.C. 1078, 1082.)

Subpart D—Guarantee Agency Programs

§ 177.31 Scope.

The Commissioner may enter into agreements with guarantee agencies whereby eligible student borrowers whose loans are guaranteed may qualify for Federal interests, benefits, participating lenders may receive special allowances and death and disability payments, and the guarantee agencies may receive reinsurance payments and advances to strengthen their reserve funds. Before such agreements can be executed, certain requirements must be met by guarantee agency programs.

(20 U.S.C. 1072, 1078, 1082.)

§ 177.32 Agreements between guarantee agencies and the Commissioner.

(a) The Commissioner may enter into agreements with a guarantee agency under § 177.33, § 177.34 and § 177.35 if he determines that the loan insurance program of the guarantee agency meets the respective requirements of those sections. Each agreement shall be subject to all subsequent changes in legislation and regulations applicable to the Guaranteed Student Loan Program.

(b) Any agreement made under this subpart may be terminated by either party upon not less than 60 days written notice to the other party, except that the Commissioner may terminate an agreement only for cause. Termination shall not affect obligations incurred under the agreement by either party before the effective date of termination. If termination is effected by the Commissioner, it will not become final until the guarantee agency has been afforded reasonable notice and an opportunity for a hearing, except that the Commissioner may suspend the agreement pending the outcome of the hearing if he determines that such action is necessary in order to prevent substantial harm to Federal interests.

(c) If the Commissioner finds that any of the assurances or representations made by the guarantee agency in connection with an agreement are incomplete or incorrect in any material respect or that there has been a failure by the guarantee agency to comply with any of the provisions of the agreement or applicable Federal law or regulations, he may take such action short of termination as may be necessary to protect the interests of the United States. Such action may include withholding payments to be made to the guarantee agency (or to lenders whose loans are insured by the guarantee agency) until adequate documentation therefor is provided or requiring that the guarantee agency reimburse the Commissioner for any payments made, or any payments which the Commissioner has become obligated to make, as a result of the guarantee agency's making such incomplete or incorrect statements or violating such provisions of the agreement or applicable Federal law or regulations.

(20 U.S.C. 1072, 1078, 1082.)

§ 177.33 Payment of Federal interest benefits.

(a)(1) Payment of interest benefits by the Commissioner under a guarantee agency program under § 177.21 shall be available only insofar as the loans for which the interest benefits are paid are covered under an agreement between the guarantee agency and the Commissioner. The Commissioner may enter into such an agreement if he determines that the guarantee agency program:

(i) Authorizes the insurance of loans in amounts up to at least $1,000 but (except as approved by the Commissioner under the circumstances set forth in § 177.54(a)(2)) not to exceed $2,500 to to any student in any academic year or its equivalent, after taking into account, with respect to the maximum loan amount, other loans covered by this part which the student has received in the same academic year or its equivalent;

(ii) Provides that the aggregate insured unpaid principal amount of all loans made to any student under programs covered under this part shall not at any time exceed $7,500 in the case of a student in attendance at a vocational school or as other than a graduate or professional student at an institution of higher education, or $10,000 in the case of a graduate or professional student, including loans which were made to such person before he became a graduate or professional student;

(iii) Authorizes the insurance of loans to an individual student for at least 6 academic years of study or their equivalent;

(iv) Provides that (A) the student borrower shall be entitled to accelerate without penalty the repayment of the whole or any part of an insured loan and (B) the insured loan shall be repaid within 15 years from the date of execution of the initial note or other evidence of the loan, excluding periods after December 14, 1968, described in paragraph

(a)(1)(xv) of this section and subject to forbearance as described in § 177.35(c)(6);

(v) Excluding periods after December 14, 1968, described in paragraph (a)(1)(xv) of this section and subject to the provisions of paragraphs (a)(1)(iv)(B) and (xi) of this section and forbearance (as described in § 177.35(c)(6)) provides that repayment of loans shall be in installments over a period of not less than 5 years nor more than 10 years beginning not earlier than 9 months nor later than one year after the student ceases to pursue a full-time course of study at an eligible institution, except that if the program provides for the insurance of loans for part-time (less than full-time but not less than half-time) study, the program shall provide that such repayment period shall begin not earlier than 9 months nor later than one year after the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution: *Provided, however,* That in the case of a correspondence student, the repayment period shall begin not earlier than 9 months nor later than one year after (A) the student's completion of his program, or (B) the expiration of a 60-day period during which the student submits no assignments (unless the student, by submitting assignments in advance of the schedule required by § 177.73(c)(3), has not fallen more than 60 days behind such schedule), or (C) the expiration of a 60-day period following the normal time established by the school for the completion of the program and communicated to the student under § 177.73(c)(3), whichever comes first. The submission of one or more assignments more than 60 days after the previous submission (or, if applicable, more than 60 days after the due date for a scheduled assignment) shall not restore the in-school status of a correspondence student with respect to his loan: *Provided, however,* That the institution may permit one such restoration if the student acknowledges in writing, within such 60-day period, that he wishes to continue his course of study and that he fully understands his responsibilities to submit lessons on a timely basis;

(vi) Authorizes interest on the unpaid principal balance of the loan at a rate not in excess of 7 percent per year exclusive of any premium for insurance which may be passed on to the borrower, under § 177.12(b);

(vii) Insures not less than 80 percent of the unpaid principal of loans insured under the program;

(viii) Provides that the benefits of the loan insurance program will not be denied any student who is eligible for interest benefits as determined under § 177.21, except in the case of loans made by an instrumentality of a State or a participating institution;

(ix) Provides that a student may obtain insurance under the program for a loan for any year of study at a participating institution;

(x) In the case of a State loan insurance program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under the supervision of a single State agency. (For purposes of this paragraph, "supervision" includes setting policies and procedures for, and having full responsibility for, the operation of the program);

(xi) Provides that the total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are made under programs covered under this part shall not be less than $360 or the balance of all such loans (together with interest thereon), whichever amount is less;

(xii) Provides that a lender will disburse loan proceeds under the requirements of § 177.57(d) and (e);

(xiii) Provides that the student borrower shall not be liable for any portion of the interest on a loan which is payable by the Commissioner, and that the lender will not collect or attempt to collect such portion of the interest;

(xiv) Makes adequate provision in its agreements with lenders to ensure that the provisions of Subparts B and C of this Part, this section, and § 177.36 will be carried out;

(xv) Provides that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (A) during which the borrower is pursuing a full-time course of study at a participating institution, (B) not in excess of three years during which the borrower is a member of the Armed Forces of the United States on active duty, (C) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (D) not in excess of three years during which the borrower is in service as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973; and

(xvi) Provides that the amount of a loan may not exceed the student's cost of education for the period of the loan less other aid that has been awarded to the student.

(2) The conditions of paragraph (a)(1)(i) of this section will be met if the student loan insurance program (i) authorizes advances of not more than $2,500 (except as approved by the Commissioner under the circumstances set forth in § 177.54(a)(2)) to a student during any 12-month school period, after taking into account other loans covered by this part which the student has received during such period, or authorizes advances to any student during such 12-month period of not more than an amount which bears the same ratio to the number of credit hours for which a full-time or half-time student borrower is registered during any such 12-month period as $2,500 minus other loans covered by this part which the student has received during such period (or a higher amount approved by the Commissioner under the circumstances set forth in § 177.54(a)(2)) multiplied by the sum of the academic years or their equivalent leading to the degree or certificate, bears to the total sum of credit hours required to earn such a degree or certificate; and (ii) authorizes advances up to at least $1,000 to a full-time student and (if the program includes half-time students) up to at least $500 to a half-time student during any 12-month school period.

(b) An agreement provided for in paragraph (a) of this section shall contain such provisions and assurances and be supported by such information as the Commissioner may require under paragraph (a) of this section, § 177.24, § 177.32 and § 177.36, and shall include such other terms and conditions as are agreed to by the Commissioner and the guarantee agency, including the following:

(1) The Commissioner shall pay to the holder of loans insured by the guarantee agency interest benefits, special allowances, and administrative cost allowances on eligible loans in accordance with § 177.21, § 17.23 and § 177.25.

(2) The Commissioner's obligation to make the payments described in paragraph (b)(1) of this section shall extend to any consolidated or renegotiated insured loan which is approved by the guarantee agency, as long as the terms and conditions of such a loan are such that it is otherwise insurable.

(3) The guarantee agency shall permit notes representing insured loans to be transferred or assigned, including assignment as security, only to eligible lenders, the Student Loan Marketing Association, or, in cases of the borrower's default, death, or total and permanent disability, the guarantee agency.

(20 U.S.C. 1078, 1082; 42 U.S.C. 5055(e))

§ 177.34 Payment of Federal advances for reserve funds.

(a) *In general.* (1) The Commissioner may make advances to any State with which he has entered into an agreement under § 177.33 for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by such agreement.

(2) If for any fiscal year a State does not have a student loan insurance program which is covered by an agreement under § 177.33, and the Commissioner determines, after consultation with the chief executive officer of that State, that there is no reasonable likelihood that the State will have such a student loan insurance program for such fiscal year, the Commissioner may make such advances to one or more nonprofit private institutions or organizations with which he has entered into an agreement under § 177.33.

(3) The Commissioner may make advances under this section both to a State program (with which he has an agreement under § 177.33) and to one or more nonprofit private institutions or organizations (with which he has such an agreement) in that State if he deter-

mines that such advances are necessary in order that students in each participating institution have access through such institution to a student loan insurance program which meets the requirements of § 177.33.

(b) *Applications.* Applications for funds made available pursuant to paragraph (a) of this section shall be submitted at such time and in such manner and contain such information as the Commissioner may require.

(c) *Allocation and payment of State's allotment*—(1) *Payments.* The total of the advances under paragraph (a) of this section to a State program and to one or more nonprofit private institutions or organizations within that State may not exceed an amount which bears the same ratio to such advances for all the States as the population of that State aged 18 to 22, inclusive, bears to the population of all the States aged 18 to 22, inclusive. The Commissioner shall determine these populations on the basis of the most recent satisfactory data available to him. Advances may otherwise be in such lesser amounts as the Commissioner determines to be appropriate on the basis of the expected demand for loans from lenders in a State and other relevant factors, and advances will be made to a guarantee agency only if it has encumbered at least 75 percent of the capacity of its reserve fund. However, the total of the advances for any State shall not be less than $25,000.

(2) Any amount advanced by the Commissioner must be matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term "unencumbered non-Federal portion" means the amount (determined from the Guarantee Agency Monthly Report (OE Form 1130) for the month immediately preceding the making of the advance) of the reserve fund less the greater of the following:

(i) The sum of (A) advances made by the Commissioner prior to July 1, 1968, (B) an amount equal to twice the amount of advances made by the Commissioner after June 30, 1968, and before the advance for purposes of which the determination is made, and (C) the proceeds of earnings on advances made by the Commissioner; or

(ii) Any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans.

(d) *Terms and conditions of advance.* Advances of funds to a guarantee agency shall be upon such terms and conditions (including conditions relating to the time or times of payment) as the Commissioner may require under this section, § 177.32, and § 177.36, and shall be made under an agreement which shall include such other terms and conditions as are agreed to by the Commissioner and the guarantee agency, including the following:

(1) The guarantee agency shall maintain a separate fund or account into which there shall be deposited or credited all advances (and required matching funds) made under this section together with such other sums as are (i) appropriated by a State for loan insurance purposes, (ii) received by the guarantee agency as loan insurance premiums, (iii) received by the guarantee agency through gift, grant, or by other means from other sources for loan insurance purposes, (iv) collected on defaulted loans, including payments pursuant to § 177.35, or (v) in the nature of interest or other earnings derived from the investment thereof.

(2) The fund into which advances are deposited or credited may be used only to guarantee loans to students covered by the guarantee agency's program, to refund overpayment of insurance premiums, and to repay advances made by the Commissioner. The fund may only be invested in a manner first approved by the Commissioner.

(3) Loan insurance premiums, if any (referred to in § 177.12(b)), and interest or other earnings derived from funds advanced may be used only for the purposes described in paragraph (d)(2) of this section and for expenditures necessary for the proper and efficient administration of the guarantee agency's program. Loan insurance premiums may not be used to provide lenders with a greater yield or for making incentive payments to lenders.

(4) The Commissioner may require the guarantee agency to repay part or all of any sums advanced to the guarantee agency at such times and to the extent that he determines, in the light of the maturity and solvency of the guarantee agency's reserve fund and after taking into account the guarantee agency's requirements for insurance commitments based on its prior experience, that the funds are no longer required for the guarantee agency to maintain an adequate reserve.

(20 U.S.C. 1072, 1082)

§ 177.35 Federal reinsurance.

(a) The Commissioner may enter into an agreement with a guarantee agency with which he has an agreement under § 177.33, whereby the Commissioner undertakes to reimburse the guarantee agency in an amount equal to 80 percent of the amount expended by it in discharge of its insurance obligation, incurred under its loan insurance program, with respect to losses resulting from the default of student borrowers on the unpaid principal balance (other than interest or other charges added to principal) of loans covered by its agreement under § 177.33, or which would be covered but for the requirements of § 177.21(a)(1)(ii) and (iii). For purposes of this section "losses" shall not include any payments by the guarantee agency on loans made on or after December 15, 1968, in cases where the borrower dies or becomes totally and permanently disabled. The guarantee agency shall be compensated for the latter type of payments under the provisions of § 177.24.

(b) The Commissioner will not enter into a reinsurance agreement unless he is satisfied that such credit as would be extended to the guarantee agency under such agreement would be acceptable in full satisfaction of any applicable State laws or regulations, or of provisions in agreements between lenders and the guarantee agency, regarding the maintenance of the guarantee agency's reserve funds. In considering whether to enter into an agreement the Commissioner may also review other aspects of the guarantee agency's operations as to which the Commissioner determines that there is a Federal interest.

(c) A reinsurance agreement shall contain such provisions as the Commissioner finds necessary to carry out the purposes of this part, including particularly the provisions of this section, § 177.32, and § 177.36, and to protect the United States from unreasonable loss, and shall be effective with respect to loans made only during such periods as are set forth in the agreement. The agreement may, among such provisions, include the following terms and conditions:

(1) The guarantee agency shall establish and maintain such administrative and fiscal procedures as are necessary to ensure proper and efficient administration of its loan insurance program, and it shall assure that due diligence (as described in § 177.59, unless the guarantee agency has established and disseminated its own specific standards for due diligence) will be exercised by lenders in the making, servicing, and collecting of loans insured under the program and by the guarantee agency in the collecting of defaulted loans which it holds (including resort to litigation as appropriate after payment of default claims to a lender). The Commissioner's execution of an agreement under this section shall not be construed as indicating his acceptance of any procedures as may currently be or previously have been employed by the guarantee agency.

(2) In connection with any claim for payment on a loan reinsured pursuant to an agreement under this section, the guarantee agency shall assure the Commissioner that:

(i) the terms of the underlying loan comply with all Federal requirements;

(ii) all reasonable efforts by an eligible lender (or the Student Loan Marketing Association) and by the guarantee agency have been made to collect that loan; and

(iii) the loan is in default as defined in § 177.11.

(3) The Commissioner shall make payments pursuant to the agreement at such times, in such manner, and on the basis of such documentation as he may from time to time prescribe. The Commissioner may set off amounts payable to him by the guarantee agency against amounts payable by him to the guarantee agency.

(4) After a payment respecting a loan has been made by the Commissioner pursuant to an agreement under this section, the guarantee agency shall pay over

to the Commissioner, without deduction for attorney's fees or other collection costs except as described below, 80 percent of any payment made to the guarantee agency thereafter in discharge of the obligation incurred by the borrower (including any payment of interest accruing on the loan after such payment by the Commissioner). The guarantee agency may, prior to computing the amount of a payment due the Commissioner under this paragraph, deduct an amount collected from a borrower which is attributable to attorney's fees incurred in obtaining a judgment against the borrower, provided that the amount deducted may not exceed any provision in the judgment for attorney's fees (or, if no provision is made, 25 percent of the judgment), and that any partial payment made by the borrower as a result of such a judgment may not be allocated to attorney's fees in a greater proportion than a full payment could, under this paragraph, be so allocated.

(5) A guarantee agency shall submit payments due the Commissioner pursuant to paragraph (c) (4) of this section within 60 days of the receipt of such payments.

(6) Nothing in an agreement made under this section shall be construed to require collection of the amount of any loan by a lender or the guarantee agency from the estate of a deceased borrower, or from a borrower found to have become totally and permanently disabled (as determined in accordance with § 177.24), or to preclude such forbearance (as described in § 177.60, unless the guarantee agency has established its own specific standards for forbearance) for the benefit of student borrowers as is approved by the lender and the guarantee agency.

(7) Loans insured by the guarantee agency after the termination date of an agreement or an extension of the agreebe reinsured only pursuant to a new agreement or an extension of the agreement. In considering whether to enter into a subsequent agreement or to extend an existing one, the Commissioner may take into account, among other matters as to which he determines that there is a Federal interest, the adequacy of efforts made by lenders under the guarantee agency's program and by the guarantee agency to effect collection of loans which have gone into default, and the steps taken by the guarantee agency to make its program available to all residents of the State attending participating institutions and to make interest benefits provided for under § 177.21 available to all eligible borrowers.

(20 U.S.C. 1078, 1082)

§ 177.36 Records, reports and inspections.

(a) *Records.* (1) A guarantee agency must keep records as specifically required by this part and as may be necessary to make the reports described in paragraph (b) of this section and must retain records for each loan for at least 5 years after the loan is paid in full or has been finally determined to be uncollectible. These records must be as complete and accurate as is necessary to document fully the agency's reports.

(2) A guarantee agency must require participating lenders (including subsequent holders) to keep records in connection with loans guaranteed by that agency as the Commissioner shall require. These must include complete and accurate records of each loan account, reflecting each transaction so as to afford ready identification of the borrower's account and status and containing full and proper documentation to support a claim for loss. A lender must retain records for a loan until such time as the Commissioner has no further need for such records but for not less than 5 years from the date the loan has been repaid in full by the borrower or the lender has been reimbursed for a loss on the loan by the agency.

(b) *Reports.* (1) The agency must submit reports to the Commissioner at such times and in such manner as he shall prescribe concerning the status of its reserve fund and the operation of its loan insurance program, including periodic reports on:

(i) the use of sums advanced by the Commissioner for its reserve fund;

(ii) the collection and disbursement of loan insurance premiums and earnings of the reserve fund, and the payment of interest to lenders;

(iii) loans insured, loans repaid in full, loans defaulted, other claims paid, and total loans in repayment; and

(iv) procedures which the agency has developed for the diligent pursuit of borrowers from whom payments are due to the agency or its lenders.

(2) The agency must submit to the Commissioner or require that lenders (including subsequent holders) submit to the Commissioner at such times and in such manner as he may prescribe, statements containing such information as may be required for the purpose of enabling the Commissioner to determine the amount of interest and special allowances which he must pay with respect to insured loans.

(3) The guarantee agency must submit to the Commissioner for his approval, and before their adoption, its forms, statements of procedure, and other materials which the guarantee agency proposes to adopt or revise, and which affect the operation of its loan insurance program.

(4) Lenders (including subsequent holders) must submit to the agency the information necessary for the agency to complete its reports to the Commissioner.

(c) *Inspections.* (1) A guarantee agency must afford the Commissioner (or other agencies of the Government designated by the Commissioner) access to its records upon request in order to assure the correctness of the reports described in paragraph (b) of this section.

(2) A guarantee agency must provide in its agreement with a lender that the lender (including a subsequent holder) must afford the Commissioner (or other agencies of the Government designated by the Commissioner) or the agency access to the lender's records upon request in order to assure the correctness of the reports required under paragarphs (b) (2) and (b) (4) of this section.

(20 U.S.C. 1072, 1078, 1082)

Subpart E—Direct State Loan Programs

§ 177.41 Scope.

The Commissioner may pay interest benefits pursuant to § 177.21, and provide death and disability payments pursuant to § 177.24 with respect to loans eligible for interest benefits, on behalf of eligible students receiving loans covered under a direct State loan program, as that term is defined in § 177.3(a), which has been approved by the Commissioner subsequent to a determination that it has met certain requirements.

(20 U.S.C. 1078, 1082, 1087)

§ 177.42 Requirements for payment of Federal interest benefits and death and disability payments.

(a) Payment of interest benefits pursuant to § 177.21, and provision of death and disability payments pursuant to § 177.24 with respect to loans eligible for interest benefits, on behalf of students receiving loans covered under a direct State loan program will be made only if the program has been approved by the Commissioner on the basis of an application submitted for this purpose. No such application shall be approved, nor shall an approval once granted remain effective, unless the program meets the following requirements:

(1) The maximum rate of interest on the unpaid principal balance of any loan covered does not exceed 7 percent simple interest per year, calculated in accordance with § 177.12(a);

(2) Repayment of any loan covered is required to be made in installments beginning not earlier than 60 days nor later than 1 year after the student borrower ceases to be a full-time student at an eligible institution or, if loans are available under the program for part-time study, ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution: *Provided, however,* That in the case of correspondence students, the repayment period of a loan covered is required to begin not earlier than 60 days nor later than one year after the conditions set in § 177.58(a) (1), (2), or (3) exist;

(3) The maximum amount of loans to any individual student does not result in an amount which exceeds any of the maximum amounts provided for in § 177.54;

(4) The amount of any loan may not exceed the student's cost of education for the period of the loan less other aid that has been awarded to the student; and

(5) The Commissioner is satisfied that the program will meet the requirements of § 177.43.

(b) Direct State loan programs are encouraged to adopt the provisions of § 177.33(a) (1) (xv).

(c) Loans may be made to a student borrower in such installments as the di-

rect State loan program deems appropriate, except that the proceeds disbursed during a given semester, quarter, or term should not be greater than the amount required by the student for that academic period.

(20 U.S.C. 1078, 1082, 1087)

§ 177.43 Records, reports and inspections.

(a) *Records.* A direct State loan program must keep records as specifically required by this part and as may be necessary to make the reports described in paragraph (b) of this section. In addition, it must keep complete and accurate records of each loan account, reflecting each transaction so as to afford ready identification of the borrower's account and status and containing full and proper documentation to support a claim for interest payment or loss due to the death or total and permanent disability of the borrower. A direct State loan program must retain records for a loan until such time as the Commissioner has no further need for such records but for not less than 5 years from the date the loan has been repaid in full by the borrower or, under established procedures, has been written off as uncollectible.

(b) *Reports.* Such a loan program must submit reports to the Commissioner at such times and in such manner as he shall prescribe, including periodic reports on:

(1) amounts due from the Commission due to the death or total and permanent disability of borrowers;

(2) total loans converted from in-school to repayment or deferment status; and

(3) interest payments due from the Commissioner.

(c) *Inspections.* A direct State loan program must afford the Commissioner (or other agencies of the Government designated by the Commissioner) access to its records upon request in order to assure the correctness of the reports described in paragraph (b) of this section.

(20 U.S.C. 1078, 1082)

Subpart F—Federal Insured Student Loan Program

§ 177.51 Circumstances under which loans may be federally insured.

(a) The Commissioner may insure all the loans made to students by a lender located in a State (1) in which no State or private nonprofit guarantee agency operates a student loan insurance program, pursuant to an agreement with the Commissioner under § 177.33, or (2) in which such a program is in operation but is not reasonably accessible, on the whole, to students who meet the residency requirements of the program.

(b) The Commissioner may insure loans made by a lender located in a State in which a State or private nonprofit guarantee agency operates a student loan insurance program, pursuant to an agreement with the Commissioner under § 177.33, which is reasonably accessible, on the whole, to students who meet the residency requirements of the program, only to the following extent:

(1) If the Commissioner finds that (i) no State or private nonprofit student loan insurance program in operation in the State is reasonably accessible to students at a participating institution, as compared with students at other participating institutions over a comparable period of time, and (ii) the access of students at that institution to loans made under this part would be significantly increased if the Commissioner insured loans made in the State to students attending that institution, then the Commissioner may insure loans made by lenders located in the State to students attending that institution. This paragraph (b)(1) would apply, for example, if a participating institution within the definition of "eligible institution" in § 177.11(d) was not recognized as an eligible institution under any such State or private nonprofit program or if a majority of the persons enrolled at the institution were within the definition of "student" in § 177.11(r) but were not recognized as eligible students under the State or private nonprofit program.

(2) If no State or private nonprofit student loan insurance program in operation in the State is accessible to students, because they do not meet the residency requirements of any such loan insurance program, the Commissioner may insure loans to such students.

(3) If the Commissioner finds that no single State or private nonprofit student loan insurance program in the State is accessible to substantially all of the students to whom the lender intends to make loans, insofar as the residency requirements of any such loan insurance program are concerned, the Commissioner may insure all the loans made to students by that lender. "Substantially all of the students to whom the lender intends to make loans" means, over a 12-month period, 80 percent of such students.

(c) The Commissioner may require, as a condition for insuring loans under this subpart, the submission by the lender of such materials as are necessary to satisfy the Commissioner that a condition described in paragraph (b)(1), (2), or (3) of this section exists.

(20 U.S.C. 1071, 1073)

§ 177.52 Agreements between eligible lenders and the Commissioner.

(a) The Commissioner may enter into an agreement with an eligible lender under which losses resulting from the failure of borrowers to make repayment on the principal amount, or interest, on loans made by the lender under this subpart will be covered by Federal loan insurance. No loans shall be insured unless covered by such an agreement. The agreement shall contain such provisions and be supported by such information as the Commissioner may require.

(b) An agreement under this section between the Commissioner and an eligible lender may include (1) a limit on the aggregate dollar amount of loans made by the lender which will be covered by Federal loan insurance or (2) a limit on the period during which the lender may continue to make loans which the Commissioner will insure, or (3) both of these types of limits. In determining whether and to what extent to include such limits in, and whether to enter into, an agreement with such an eligible lender, the Commissioner shall consider the following criteria (and may require submission by the eligible lender of such materials as are necessary for the application of such criteria):

(i) Whether the eligible lender has proposed or established adequate procedure for making, servicing, and collecting of loans;

(ii) Whether the eligible lender is capable of implementing, or is implementing, such adequate procedures for the making, servicing and collecting of loans;

(iii) The prior experience of the eligible lender in other types of lending;

(iv) The financial condition of the eligible lender;

(v) In the case of an institution of higher education, its accreditation status, with the preferred conditions being either accreditation as described in § 177.11(l) or approval by an advisory committee appointed by the Commissioner as described in § 177.11(l);

(vi) In the case of an educational institution, whether any of the conditions described in paragraphs (a) through (d) of § 177.76 exist;

(vii) Whether the dollar amount of loans made under this part to students by the eligible lender which are in default represents more than 10 percent of the dollar amount of all such loans which have reached the repayment period;

(viii) Whether the dollar amount of loans made under this part to students by the eligible lender which are 30 or more days delinquent represents more than 20 percent of the dollar amount of all such loans which are in the repayment period; and

(ix) The prior record of the eligible lender in complying with the provisions of this part.

(c) The Commissioner may revise the terms of an agreement with an eligible lender upon the basis of information subsequently received which bears adversely on the eligible lender's capacity for properly making, servicing, or collecting loans in light of the criteria set forth in paragraph (b) of this section. The Commissioner shall state reasons for any such action and shall provide the eligible lender with an opportunity to show cause why such action should not be taken.

(d) Except as otherwise approved by the Commissioner, an agreement under this section with an eligible lender which is an educational institution shall limit the loans made by such institution which will be covered by Federal loan insurance to those made to students who are in attendance at that institution or, if deemed appropriate by the Commissioner, who are in attendance at other eligible institutions under the same ownership as the institution or who are employees (or dependents of employees) of the institution.

(20 U.S.C. 1079, 1082, 1087-1.)

§ 177.53 Conditions for insurability of individual loans.

(a) A loan by an eligible lender which has in effect an agreement with the Commissioner pursuant to § 177.52 shall be insurable under this subpart only if made to a person who:

(1) Provides the lender with a statement that he meets the requirements of § 177.11(r)(1) and with such other information as may be specified on a form provided by the Commissioner;

(2) Provides the lender with a statement from a participating institution that he meets the remaining requirements of § 177.11(r);

(3) Provides the lender with a statement from such participating institution setting forth a current schedule of tuition and fees which would be applicable to the borrower, and the institution's estimate of the costs of room, board and any other expenses which the institution determines to be necessary to the pursuit of the borrower's education;

(4) Provides the lender with a statement from such participating institution of any financial aid or other resources which have been awarded to him for the period for which the loan is sought;

(5) Provides to the lender a statement listing the dates, lenders, and amounts of other outstanding loans to him, including those which have been made under programs covered by this part; and

(6) Files with the lender an affidavit pursuant to § 177.14.

(b) In making a loan under this subpart, a lender which is not an institution of higher education or a vocational school, acting in good faith and in the absence of information to the contrary, may rely upon the certifications provided by an educational institution and upon the assurances and other information provided by a borrower pursuant to paragraph (a) of this section. A lender which, by transfer or assignment pursuant to § 177.61, obtains possession of a loan which has been made by an educational institution may, acting in good faith and in the absence of information to the contrary, rely upon the assurances and information provided by a borrower to such institution pursuant to paragraph (a) of this section, but such transferee or assignee shall not be entitled to rely upon the certifications provided by an educational institution pursuant to paragraph (a) of this section in the making of the loan. In making a loan under this subpart, a lender which is not an educational institution, but for which the conditions set forth in paragraph (c) of § 177.65 exist, acting in good faith and in the absence of information to the contrary, may rely upon the assurances and information provided by a borrower pursuant to paragraph (a) of this section, but shall not be entitled to rely upon the certifications of the educational institution provided thereunder.

(20 U.S.C. 1077, 1078, 1079, 1082, 1085, 1088g.)

§ 177.54 Limitations on maximum loan amounts.

(a) *Academic year loan amounts.* (1) Except as provided in paragraph (a)(2) of this section, the Commissioner will not insure a loan to any student for any academic year in an amount which would exceed $2,500 when added to the amount of other loans covered by this part which the student has already received for the same academic year.

(2) In the case of a full-time graduate or professional student (or a full-time student enrolled in at least the third year of a course of study which is not graduate or professional) engaged in specialized training designed to prepare students for a particular vocation, trade, or career field and requiring tuition and fees that exceed $2,500 per academic year, the Commissioner will insure loans for an academic year up to the amount of such tuition and fees, but in no event for more than $5,000 per academic year (when added to the amount of other loans covered by this part which the student has already received for the same academic year) and in no event to exceed the aggregate amounts set forth in paragraph (c) of this section. Prior to approval of such loans the Commissioner will determine, on the basis of an application submitted by an eligible institution, which specialized training programs of that institution qualify for this higher loan limit.

(b) *Additional limitation on loans to correspondence students.* In the case of a student pursuing a correspondence course, the Commissioner will not insure a loan exceeding the amount of the contract price of the course. In the case of a correspondence course which includes a period of required resident training, the Commissioner will insure additional loan amounts to cover the cost of attendance for that portion of the course (as set forth in § 177.21(a)(4)(iii)(A)).

(c) *Aggregate amounts.* The Commissioner will not insure a loan in an amount which, together with the unpaid principal amount of all other loans to the student covered under this part, would result in an aggregate loan amount in excess of $7,500 in the case of a student in attendance at a vocational school or as an undergraduate at an institution of higher education or $10,000 in the case of a graduate or professional student (including loans made to such person before he became a graduate or professional student).

(20 U.S.C. 1075, 1078, 1079, 1082.)

§ 177.55 Issuance of Federal loan insurance.

(a) *Individual application for insurance.* Each eligible lender with whom the Commissioner has entered into an agreement pursuant to § 177.52 may make application to the Commissioner for Federal loan insurance in connection with each application for a loan which the lender has determined to be eligible for such insurance coverage. Upon receipt of such application, which shall be filed on such form and in such manner as may be prescribed by the Commissioner, the Commissioner shall determine whether or not to insure the loan. If the loan appears to be insurable, the Commissioner shall, by affixing to the application or otherwise providing evidence thereof, advise the lender of such a finding and of the amount of insurance. Subject to the provisions of § 177.53(b), such insurance shall be understood to be issued in reliance on the lender's implied representation that all requirements for the initial insurability of the loan, including those set forth in § 177.51, have been met. No disbursement shall be made on a loan to which this paragraph applies prior to the issuance of insurance.

(b) *Comprehensive certificate of insurance.* The Commissioner may issue a certificate of comprehensive insurance to an eligible lender applying therefor (and with whom the Commissioner has entered into an agreement pursuant to § 177.52) which shall, without further action by the Commissioner, insure all insurable loans made by that lender, on or after the date of the certificate and before a specified cutoff date, within the limits of an aggregate maximum amount stated in the certificate. Insurance coverage with respect to any loan covered shall be conditioned upon compliance by the lender with such requirements (to be stated or incorporated by reference in the certificate) as in the Commissioner's judgment will best achieve the purpose of this paragraph while protecting the financial interest of the United States and promoting the objectives of this part.

(20 U.S.C. 1073, 1075, 1077, 1079, 1080, 1082.)

§ 177.56 Insurance premiums.

(a) Insurance of loans under this subpart is conditioned on payment to the Commissioner by the lender of insurance premiums in an amount equal to one-fourth of one percent per year of the unpaid principal balance of each loan covered (excluding interest or other charges which may have been added to the principal). The cost of insurance premiums may be passed on to borrowers in accordance with § 177.12(b).

(b) *Computation and time of payment of premiums.* Premiums shall be payable in the amounts and at the time specified in § 177.12(b).

(c) *Method of payment of premiums.* The Commissioner may bill the lender for insurance premiums due or may set off insurance premiums payable to him by the lender against amounts payable by the Commissioner to the lender. When the Commissioner bills the lender for the premium on a loan, the insurance on that loan shall cease to be effective if that premium is not paid within 60 days. The Commissioner may accept late payment of a premium due, and thereby reinstate the insurance on a loan, if

(1) The loan is not in default and the borrower is not delinquent in making installment payments, or

(2) The loan is in default, or the borrower is delinquent, under circumstances where the borrower has entered into the repayment period and the lender could not reasonably have been expected to be aware of this event when it happened.

(20 U.S.C. 1077, 1079, 1082.)

§ 177.57 Disbursement of loans.

(a) *Evidence of indebtedness.* (1) Each insurable loan must be evidenced by a promissory note and by a disclosure statement that meets the requirements of 12 CFR Part 226 (Truth in Lending). The Commissioner shall, from time to time, make available an approved promissory note form. Any substantive deviation from the provisions of the most current promissory note form made available by the Commissioner must be approved by the Commissioner prior to the making of any loans to be evidenced by a promissory note containing such a deviation. A copy of each executed note and the required disclosure statement shall be supplied to the student borrower by the lender.

(2) The Commissioner may, pursuant to Subpart H of this part, require an educational institution that is a lender to utilize a special promissory note which provides that the student's obligation with regard to the loan amount is dependent upon the student's continued enrollment during the academic period for which the loan was made and is proportionate to the percentage of such period which he has completed.

(b) *Security and endorsement.* A loan shall be made without security and without endorsement, except that if the borrower is a minor and his note would not, under applicable local law, constitute a valid and enforceable obligation, endorsement may be required.

(c) [Reserved]

(d) *Disbursement to the borrower through an educational institution by a lender which is not an educational institution.* A lender which is not an educational institution must make its disbursements in the following manner:

(1) A lender which is not an educational institution may not make a disbursement of any loan proceeds earlier than is reasonably necessary to meet the purposes for which the loan is being made and in no case, except as approved by the Commissioner, earlier than 30 days prior to the date on which the student is scheduled to matriculate. The Commissioner may require that lenders disburse loans in multiple installments, with the frequency and amount of such installments determined in a manner to be prescribed by the Commissioner. If the loan is covered by § 177.55(a), no disbursement may be made on it prior to the issuance of insurance by the Commissioner. Each disbursement must be made through a negotiable instrument payable to the student (or, if authorized by the student in writing, jointly to the student and the educational institution which he is to attend) which, after being presented for payment, must be retained by the lender in accordance with § 177.66(a). The lender, or an educational institution, may not obtain a student's authorization to endorse an instrument of disbursement on his behalf.

(2) The lender must disburse the proceeds of the loan by transmitting each check (or other instrument) representing a disbursement to the educational institution to be attended by the borrower. The lender must notify the borrower in writing when any part of the loan has been disbursed. The institution must transmit each check (or other instrument of disbursement) to the borrower and, if the instrument is made payable jointly to the borrower and the institution, endorse the instrument on its own behalf only (unless the institution determines that it does not have the administrative capability to endorse the instrument, in which case it must return the instrument to the lender with a statement to that effect). If, when the institution reecives an instrument, the borrower is not matriculated as at least a half-time student (or, if the instrument is received prior to the academic period for which the loan was intended, the borrower has indicated to the institution that he does not intend to matriculate as at least a half-time student at the institution during such period), the institution must, within 30 days, notify the lender and return the instrument to the lender. The institution must keep such records as the Commissioner may require with respect to its reecipt and disposition of instruments of disbursement under this paragraph.

(e) *Disbursement directly to the borrower by a lender which is an educational institution.* A lender which is an educational institution must make its disbursements in the following manner:

(1) An eligible institution acting as a lender may not make a disbursement of any loan proceeds to a student earlier than is reasonably necessary to meet the purposes for which the loan is being made. The Commissioner shall not recognize a disbursement, for an amount greater than that reasonably necessary to enable the student to travel from his residence to the institution, to a student who failed to matriculate at that institution during the academic period for which the loan was made. No disbursement may be made to a borrower who is not matriculated (or, if prior to the academic period for which the loan was intended, to a borrower who has indicated to the institution that he does not intend to matriculate). A disbursement for the purpose of a required resident training portion of a correspondence course may not be made until the student commences resident training. If the loan is covered by § 177.55(a), no disbursement may be made on it prior to the issuance of insurance by the Commissioner. If a disbursement is made through a credit to the student's account with the institution, the Commissioner shall not consider it a disbursement unless contemporaneous written notice of the disbursement is provided to the student. If a disbursement is made through a negotiable instrument, the instrument must, after being presented for payment, be retained by the institution in accordance with § 177.66(a). The institution may not obtain a student's authorization to endorse an instrument of disbursement on his behalf.

(2) Unless otherwise approved or required by the Commissioner, an eligible institution shall (except for loans of less than $400) make disbursements in multiple installments, as set forth in paragraph (e)(2) (i), (ii) and (iii) of this section. Moreover, the proceeds disbursed for use during a given semester, quarter or term shall not be greater than the amount required by the student for that academic period, and the amount of the initial disbursement (except in the case of loans of less than $400 or amounts advanced for travel expenses) shall not be greater than one half of the total loan amount.

(i) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) to a student for a full academic year, where such academic year consists of two or more academic sessions (e.g., semester, quarter, or trimester), the frequency of installments shall coincide with the frequency of sessions which form an academic year (e.g. two installment disbursements for those institutions utilizing a two semester system). Disbursement of a loan made to a student for a portion of the academic year need not be made for less than a single session.

(ii) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) which does not have an academic year consisting of two or more sessions, installments shall be made in intervals not greater than 4 months. With regard to a loan made to a student for a period of 4 months or less, disbursement may be made in a single payment.

(iii) With regard to a loan disbursed for correspondence study, installments shall be made in intervals not greater than 6 months.

(20 U.S.C. 1077, 1079, 1082, 1087-1.)

§ 177.58 Repayment of loans.

(a) *Commencement of repayment.* The note evidencing a loan shall provide for repayment of the principal amount together with interest thereon, in periodic installments beginning not earlier than 9 months nor later than 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution: *Provided, however,* That in the case of a correspondence student, the repayment period shall begin not earlier than 9 months nor later than 1 year after (1) the student's completion of his program, or (2) the expiration of a 60-day period during which the student submits no assignments (unless the student, by submitting assignments in advance of the schedule required by § 177.73(c), has not fallen more than 60 days behind such schedule) or (3) the expiration of a 60-day period following the normal time established by the school for the completion of the program and communi-

cated to the student under § 177.73(c), whichever comes first. The submission of one or more assignments more than 60 days after the previous submission (or, if applicable, more than 60 days after the due date for a scheduled assignment) shall not restore the in-school status of a correspondence student with respect to his loan: *Provided, however,* That the institution may permit one such restoration if the student acknowledges in writing, within such 60-day period, that he wishes to continue his course of study and that he fully understands his responsibilities to submit lessons on a timely basis. All scheduled installments must be for equal amounts except:

(i) where paragraph (d) or (e) of this section applies;

(ii) where the last installment is to be of a slightly different amount for computational purposes; or

(iii) where the total amount of loans made under this subpart to the borrower by the lender does not exceed $1,500 and the installments are to be for equal amounts of principal, plus interest.

(b) *Repayment period.* The note evidencing a loan shall provide for repayment of the principal amount of the loan over a period of not less than 5 years nor more than 10 years from the commencement of the repayment period, and over a period of not more than 15 years from the date of execution of the original promissory note evidencing the disbursement of the loan, *Provided,* That:

(1) Periods of activity specified in paragraph (f) of this section shall be excluded from determinations of such 5, 10, and 15 year periods; and

(2) The total of payments by a borrower during any 1 year period in which repayment of principal is required shall be, with respect to the aggregate amount outstanding of all loans to that borrower under programs covered by this part, at least $360 or the balance of all such loans (together with interest thereon), whichever amount is less.

(c) *Consequences of failure of borrower to attend school.* If, after disbursement of a loan, the lender learns that the borrower will not be, is not, or has not been a student at an eligible institution during the period for which the loan was intended, the lender must at once declare that portion of the loan not yet expended for educational costs (as set forth in § 177.21(a)(4)(iii)(A)) immediately due and payable, although repayment may be made in installments if necessary. If the borrower was otherwise eligible for interest benefits under § 177.21, no further interest benefits on that portion of the loan not yet expended for educational costs shall be payable. In addition, the lender must attempt to collect from the borrower the amount of any such interest benefits already paid on the borrower's behalf, and must transmit to the Commissioner any such amounts collected.

(d) *Repayment schedule with increasing installment amounts.* A lender and a borrower with at least $4,000 outstanding in loans held under this subpart by that lender may enter into an agreement for a repayment schedule, for all such loans, providing for installments which increase in amount over the course of the repayment period. The schedule must provide (1) for payments of principal and interest totaling at least $360 during each year of the repayment period, (2) for a total of payments of principal and interest during each year of the repayment period which does not exceed the total of such payments during the preceding year by a percentage in excess of the corresponding percentage for the first year of the repayment period in which an increase over the previous year of the total of payments of principal and interest occurs (for example, if total payments of $400 and $440 are scheduled for the first 2 years, respectively, the total of payments for any subsequent year may not exceed the total of payments of the year preceding it by more than 10 percent), (3) for no single installment in an amount greater than three times that of any other installment, and (4) for conformity with paragraphs (a), (b), (f), (g), and (h) of this section as to each loan to which the repayment schedule applies. Neither the borrower nor the lender may insist on establishing a repayment schedule authorized under this paragraph.

(e) *Supplementary repayment agreements.* For a loan made by a participating institution as a lender, and where a repayment schedule is not to be entered into pursuant to paragraph (d) of this section, the lender and the borrower may enter into an agreement supplementing the equal installment repayment schedule required by this section whereby the lender agrees that (as between both the lender and borrower and the lender and the Commissioner) the borrower will be deemed to meet the terms of that repayment schedule so long as the borrower makes payments in accordance with a separate schedule. Such an agreement and separate schedule must provide for terms which satisfy the Commissioner that the borrower will not be unduly burdened and that the Commissioner will not be subject to undue liability. No supplementary repayment agreement may be entered into unless the lender has obtained the Commissioner's prior approval of its terms. Neither the borrower nor the lender may insist on establishing a supplementary repayment agreement under this paragraph, except that the lender may make the borrower's written consent to the ultimate establishment of the agreement a condition for the making of the loan. Neither a loan note subject to a supplementary repayment agreement nor the agreement itself may be transferred or assigned, and the note and the agreement must provide by their terms that they may not be transferred or assigned.

(f) *Deferment.* The note evidencing a loan shall provide that periodic installments of principal need not be paid, but interest shall accure and be paid by the borrower (unless the borrower is eligible under § 177.21 for Federal interest benefits), during any period (1) in which the borrower is pursuing a full-time course of study at a participating institution, (2) not in excess of 3 years, in which the borrower is a member on active duty of the Armed Forces of the United States, (3) not in excess of 3 years in which the borrower is in service as a volunter under the Peace Corps Act or (4) not in excess of 3 years in which the borrower is in service as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973. Where repayment of the loan is deferred under this paragraph the period of deferment shall not be included in the minimum and maximum periods allowed for repayment of the loan under paragraph (b) of this section.

(g) *Student's liability for interest.* The student borrower shall not be liable for any portion of the interest on the loan note which is payable by the Commissioner, and the lender may not collect or attempt to collect such portion of the interest from the borrower. Interest not payable by the Commissioner shall be payable in installments over the period of the loan, except that, if provided in the note, interest payable by the student may be deferred until not later than the date upon which payment of the first installment of principal falls due, in which case interest that has so accrued during that period may be added on that date to the principal.

(h) *Prepayment.* The note evidencing a loan shall provide that the student borrower may at any time prepay the whole or any part of the loan without penalty.

(20 U.S.C. 1077, 1078, 1079, 1082; 42 U.S.C. 5055(e).)

§ 177.59 Due diligence.

(a) *General.* A lender must exercise reasonable care and diligence in the making, servicing, and collection of loans insured under this subpart. A lender will be considered to have exercised due diligence only if it utilizes loan procedures comparable to those generally in use by commercial lenders for loans of comparable amounts which are not covered by loan insurance and, in addition, complies with the specific requirements of this section. A lender may not accept a loan on transfer or assignment (including assignment as security) unless it has reasonably determined that due diligence has been exercised with respect to that loan prior to the transfer or assignment. The delegation of functions to a servicing agency or other party does not relieve the lender or subsequent holder of a loan of its responsibilities under this section.

(b) *Loan origination.* The loan origination process includes such functions as processing of necessary forms, the approval of a borrower for a loan, the determination of a loan amount, the explaining to the borrower his responsibilities under the loan, and the disbursement of loan proceeds. Except as provided in § 177.57 and § 177.59(b)(3)(ii), loan origination functions may not be delegated to a servicing agency or other party.

(1) *Processing of necessary forms.* Before considering a prospective borrower

for a loan, the lender must (subject to § 177.53(b)) determine that all required forms have been accurately completed by the lender itself, the borrower (and, where applicable, his parents and spouse), and the educational institution. The lender must not ask the borrower to sign any form before all information requested of the borrower on such form has been supplied.

(2) *Approval of borrower and determination of loan amount.* A loan may be made only to an eligible student (as defined in § 177.11(r)), except that in determining whether a person is a student a lender may rely on statements of the borrower and the educational institution pursuant to § 177.53(b). In addition, except as may be specifically authorized by the Commissioner, a loan may not be made to a borrower unless (i) the borrower or at least one of his parents resides within the lender's normal trade area, (ii) the borrower or at least one of his parents has a prior business relationship with the lender, or (iii) the borrower will be attending, during the period for which the loan is intended, an educational institution located within the lender's normal trade area. A participating institution acting as a lender may, except as otherwise approved by the Commissioner, make loans only to students described in § 177.52(d). In determining the amount of the loan to be made (within the limitations of § 177.54), the lender should review the data on cost of education, and on other amounts of financial aid that have been awarded to the student, for the intended loan period, which is provided by the educational institution on the loan application form. In no case may the loan amount exceed the student's cost of education for the period of the loan less other aid that has been awarded to the student. If there is a significant difference between the cost of education and other aid (including the amount of the loan to be made by the lender), the lender is encouraged to try to determine how the student will finance the difference.

(3) *Borrower orientation*—(i) *General rule.* Prior to making its first loan to a particular student under this subpart, a lender must have one of its employees meet with the student in person (not by mail or telephone) to ensure that the student understands the terms and conditions of the loan and the repayment and other responsibilities incurred thereunder. A record as to the matters discussed at the meeting, the name of the employee conducting it, and the date of the meeting must be signed by the student and kept by the lender, with a copy provided to the student. If a default claim is filed with respect to the loan, a copy of this record must be included in the documentation submitted to the Commissioner, whether the default claim is filed by the original lender or a subsequent holder. No one meeting may be conducted for more than five students.

(ii) *Agency or instrumentality of a State.* An agency or instrumentality of a State, acting as a lender, may have the meeting required by paragraph (b)(3)(i) of this section conducted by an agent other than an employee. However, the State agency or instrumentality shall have the same responsibilities with regard to a record of the meeting as if an employee conducted the meeting.

(iii) *Exception for cases of borrower hardship.* The Commissioner may waive the requirement for a meeting in paragraph (b)(3)(i) of this section if he determines that to require the meeting would create serious financial or other personal hardship for an individual student. However, no such waiver shall be made in order to enable a lender to routinely make loans to students not residing within its normal trade area. If the Commissioner waives the requirement for a meeting in a particular case the lender must, prior to making a loan, transmit to the student a statement, provided or approved by the Commissioner, as to the terms and conditions of the loan and the responsibilities which the borrower incurs under the loan. A copy of such a statement must be dated and signed by the student, returned to the lender, and kept by the lender in lieu of the record of the meeting which would otherwise be required.

(4) *Disbursement of loan proceeds.* Disbursement of the loan proceeds must be made in accordance with the provisions of § 177.55 and § 177.57. The lender must assure that the borrower is familiar with the manner in which the interest that accrues prior to the beginning of the repayment period is to be paid.

(c) *Loan servicing*—(1) *Student liability for interest.* The student borrower shall not be charged for any portion of the interest on the loan note in a manner not authorized under § 177.58(g). Interest that accrues during forbearance periods may not be added to the principal amount of the loan when repayment resumes.

(2) A lender must maintain records of all events affecting a loan that occur while it is the holder of the loan, including change of the borrower's address or status as at least a half-time student, eligibility of the borrower for deferment of repayment of principal, payments and prepayments, and transfers of the loan.

(3) A lender must file on a timely basis such reports as the Commissioner may require concerning a loan insured under this subpart, such as the Lender's Manifest for Federally Insured Loans (OE Form 1151), Lender's Request for Payment of Interest on Student Loans (OE Form 1166), Lender's Annual Report on Guaranteed Student Loans Outstanding (OE Form 1166-2), Loan Transfer Statement (OE Form 1074) and the Loan Transaction Statement (OE Form 1199).

(4) A lender must respond on a timely basis to written inquiries and other communications of the borrower and any proper endorser. A lender must make contact with a borrower at least once a year prior to the commencement of the repayment period, in order to ascertain the borrower's curent student enollment status and address and to remind the borrower that he has a loan obligation outstanding. This requirement will be considered to be satisfied for any year if during that year the borrower submits an application for another loan from the lender.

(5) When a lender determines or has reason to believe that a borrower is no longer enrolled at an eligible institution on at least a half-time basis, the lender must promptly contact the borrower in order to establish the terms of repayment. Terms of repayment must be established by using OE Form 1171 (Promissory Note-Installment) or a similar insturment, either of which must be signed by the borrower and be made a part of, and subject to the terms of, the borrower's original promissory note (OE Form 1164 or a similar instrument) for the loan. The original promissory note must not be surrendered to the borrower until the loan is paid in full, at which time both the promissory note and the repayment instrument must be surrendered to the borrower. In establishing repayment terms, the current and potential income and financial obligations of the borrower should be taken into consideration, with the schedule of payments designed to retire the loan obligation as soon as possible (within the limitations of § 177.58), without leading to default by the borrower due to his inability to make payments. Borrowers should be encouraged (although they must be made aware that they are not required) to make such payments as are possible during the period before payment is legally required, so as to reduce their overall indebtedness and subsequent interest charges.

(d) *Collection of loans.* (1) A lender must exercise reasonable care and diligence in the collection of loans insured under this subpart, not only with regard to borrowers but with regard to endorsers whose signatures were obtained pursuant to § 177.57(b). A lender must utilize collection practices no less extensive and forceful than those generally in use by commercial lenders for loans of comparable amounts which are not covered by loan insurance, except that litigation for collection purposes is not required (although it is authorized under paragraph (d)(10) of this section) and except in cases of death or permanent and total disability of the borrower.

(2) A lender must respond on a timely basis to written inquiries and other communications of the borrower and any proper endorser. When a borrower is delinquent in making a payment, the lender must remind him of his repayment obligation through a series of notices, letters, telephone calls, or personal contacts at intervals of not greater than 10 days, commencing not later than 10 days after the initial date of delinquency. These contacts should become progressively more firm in tone. If such efforts are unsuccessful, they must be repeated with respect to any proper endorser on the loan.

(3) The continued mailing of a series of notices or letters to the same address when it becomes clear that the borrower (or endorser) no longer resides there is

not due diligence. A lender must attempt to ascertain the correct address through the use of normal commercial collection techniques, including contracting any endorser or other individual named on the borrower's loan application and any other loan documents in the lender's possession.

(4) If a loan becomes 60 days delinquent, the lender must request, by submitting OE Form 1249-1 (Request for Collection Assistance under Federal Insured Student Loan Program), pre-claim assistance from the Office of Education. If a loan ultimately goes into default, a default claim will not be honored unless pre-claim assistance had been requested. A request for such assistance results in attempts to locate the borrower (if his address is unknown) and in a series of letters being sent to the borrower and other sources in order to persuade the borrower to contact the lender. A lender will be advised in writing of these efforts and must notify the Office of Education, in a manner approved by the Commissioner, of the success or lack of success of pre-claim assistance for a loan.

(5) A lender is encouraged to grant forbearance, pursuant to § 177.60, for the benefit of the borrower where unemployment, health, or other personal problems affect the borrower's ability to make current payments.

(6) If the borrower's address is known or suspected, the lender must send a final demand letter to the borrower not less than 30 days prior to filing a default claim. The same rule applies as to a proper endorser. The lender must allow the borrower or endorser at least 30 days to respond to the final demand letter. Where the lender has no information as to the borrower's (or endorser's) current address, a final demand letter is not required.

(7) A lender must maintain a payment history for each borrower, showing the date and amount of each payment received from or on behalf of the borrower (or a proper endorser) over the life of his loan or loans. Such a payment history must also indicate the amount of each payment which is attributable to principal and interest, respectively.

(8) A lender must also maintain a collection history for each borrower, showing the date, nature, and results of each contact made with the borrower (and any proper endorser) for collection of a delinquent loan. Copies of all correspondence addressed to or received from the borrower and endorser must be included.

(9) Paragraphs (d)(1) through (6) of this section shall not apply:

(i) after it has been determined, or while a lender is seeking to have a determination made, pursuant to § 177.62, that a borrower has died or become totally and permanently disabled; or

(ii) after it has been determined that the borrower has been adjudicated a bankrupt; or

(iii) after it has been determined that any of the conditions for filing a default claim without collection efforts, as set forth in § 177.63 and § 177.65(b), exist.

(10) Upon default (as defined in § 177.11(b)) by a borrower and upon a determination by the lender that the borrower has the ability to repay his loan, even though the collection efforts required by paragraphs (d)(1) through (4) and (d)(6) of this section have been unsuccessful, the lender may bring suit against the borrower (and against any proper endorser) to recover the amount of the unpaid principal and interest together with reasonable attorney's fees, provided that prior to bringing suit the lender has:

(i) obtained the prior approval of the Commissioner (which may be sought in anticipation that the collection efforts required by paragraphs (d)(1) through (4) and (d)(6) of this section will be unsuccessful), and

(ii) provided notice to the borrower that such approval has been obtained, that suit will be brought unless the borrower cures the default (or, if the lender so demands, repays his loan in full), and that the lender will seek a judgment under which the borrower will be legally liable for payment of reasonable attorney's fees in addition to the unpaid principal and interest. Such notice must be mailed to the borrower by certified mail, return receipt requested. The lender may bring suit if the borrower does not meet the terms of the lender's demand for payment within 10 days following the date of delivery to the borrower indicated on the receipt. Payments received by a lender in satisfaction of a judgment may first be applied to reasonable attorney's fees, whether or not the judgment makes provision for such fees. The Commissioner will normally approve a request of a lender for authorization to bring suit under this paragraph if he is satisfied that the borrower has the ability to repay his loan, and that the collection efforts required by paragraphs (d)(1) through (4) and (d)(6) of this section have been, or will be, made prior to the bringing of suit.

(20 U.S.C. 1079, 1080, 1082, 1087)

§ 177.60 Forbearance.

(a) Nothing in this subpart shall be construed to preclude any forbearance for the benefit of the student borrower, as to the terms of repayment of a loan insured under this subpart, which may be agreed upon in writing by the borrower and lender, provided that such forbearance is approved by the Commissioner. The Commissioner hereby approves any forbearance for the benefit of the borrower which may be agreed upon in writing by the borrower and lender and which results in repayment terms consistent with the provisions of § 177.58 (paragraphs (a) through (c) and (f) through (h)). However, forbearance may not be used as a means of curing a delinquent or defaulted account. If payments of interest are forborne, they may not be added to the principal amount of a loan.

(b) The Commissioner may enter into an agreement with a lender to permit the lender, without further approval by the Commissioner, to exercise forbearance in accordance with the following terms:

(1) The lender must reasonably believe that the borrower intends to, and will, repay his loan but is financially unable to make payments currently in accordance with the terms of the loan note. The basis for this belief must be reduced to writing and maintained in the lender's records.

(2) The agreement between the borrower and the lender must be made on a form provided or approved by the Commissioner and must bear the borrower's signature as well as that of an authorized official of the lender.

(3) The borrower may be permitted to defer payments altogether, or to make payments of principal and interest at a rate less than that required by § 177.58(b)(2), for a period of not more than 6 months where the holder of the note is a participating institution, an insurance company, a pension fund, or an agency or instrumentality of a State, or for a period of not more than 1 year in the case of other holders.

(4) If the agreement between the borrower and the lender provides for deferment of all payments for a period of more than 2 months, the lender must contact the borrower at least every 2 months during the period of forbearance in order to remind the borrower of his outstanding obligation to repay.

(5) The agreement between the lender and the Commissioner may be terminated by the Commissioner upon a finding that the lender has failed to comply with the provisions of this section.

(c) If a lender having an agreement with the Commissioner under paragraph (b) of this section determines that a borrower intends to, and will, repay his loan but is financially unable to make payments, in accordance with the terms of the loan note, at the conclusion of the period of forbearance authorized in paragraph (b)(3), the lender may request approval from the Commissioner of an extension of the period of forbearance. An extension of a period of forbearance will not be approved for a period in excess of six months, but subsequent extensions may be applied for in the same manner as the first extension.

(20 U.S.C. 1080, 1082)

§ 177.61 Transfers of insured loans.

(a) A note evidencing a loan insured under this subpart may not be transferred or assigned, including assignment as security, except to another eligible lender or the Student Loan Marketing Association and in a manner not prohibited by § 177.13, § 177.58(e), or this section. (The words "transfer" and "assign" are used interchangeably herein.) A transferee or assignee filing a default or other claim must provide the same documentation, pursuant to § 177.64, that would be required if the original lender were filing the claim.

(b) A loan note transferred from one lender to another must bear effective words of assignment from the transferor to the transferee, signed and dated clearly by an authorized official of the

transferor, an authorized official of the transferee and any third part involved in arranging the transfer. No loan note may be transferred or assigned, including assignment as security (but not including the return to the pledgor of a loan note held as security), if the transferee has not reasonably determined, as documented in its records, that the note represents a loan actually disbursed to a student and that due diligence (as described in § 177.59) has been exercised with respect to that loan prior to the transfer or assignment. Nor may a loan note be transferred or assigned, including assignment as security (but not including the return to the pledgor of a loan note held as security), if either the transferor or transferee has knoweldge that the borrower did not attend a participating institution during the period for which the loan was intended, that the borrower is delinquent on any installment payment or is in default, or that other defects affecting the insurability of the loan exist. The transferor of a loan note (unless returning a loan note held as security) must certify, on a form provided or approved by the Commissioner, that to the best of its knowledge none of the conditions described in the preceding sentence as precluding transfers exist. The transferor must also indicate on such form whether, to its knowledge, the loan was originally made by a lender having a special relationship with an educational institution (as described in § 177.65(c)), and whether, to its knowledge, the educational institution attended by the student borrower has closed, become insolvent, or become involved in bankruptcy proceedings.

(c) The Commissioner shall be notified of any assignment of a note insured under this subpart if the right to receive interest payments has also been assigned. The borrower shall be notified of the assignment of any note insured under this subpart if the assignment results in his being required to make installment payments or direct other matters connected with the loan to another party. Such notice to the borrower shall contain a clear statement of all of the borrower's rights and obligations, both as to the assignor and the assignee, including a statement regarding the consequences of any payments made to the assignor, or any prior holder of the loan, subsequent to receipt of the notice and, if applicable, the effect of the assignment on any authorization previously signed by the borrower with respect to payment of refunds due under § 177.73.

(d) The approval of the Commissioner is required prior to transfer or assignment of a note to any eligible lender which has not entered into an agreement with the Commissioner pursuant to this subpart. The Commissioner shall approve such transfer or assignment only if he is satisfied that one or more of the parties to the transfer or assignment will comply with all of the requirements applicable to lenders under this part.

(e) The insurance coverage on loan notes transferred or assigned in accordance with the provisions of this section shall remain in full force and effect. Any matters required of lenders in order to perfect default claims may be performed by the transferee or assignee.

(f) Except as limited by § 177.13, this section shall not preclude a transferee of a loan note insured under this subpart from obtaining a warranty from the transferor of such loan note covering future reductions by the Commissioner, in computing the amount of insurable loss, if any, on a default claim filed on such loan.

(20 U.S.C. 1079, 1080, 1082)

§ 177.62 Cancellation of loan for death or disability.

(a) *Death.* If a borrower dies, his obligation to make any further payments of principal and interest on a loan insured under this subpart is cancelled. The holder of the loan may not attempt to collect on the loan from an endorser or the borrower's estate. The holder may make a determination that a borrower has died on the basis of a death certificate or such other official proof as is conclusive under applicable State law. If a death certificate or such other official proof is not available, the borrower's obligation on his loan may be cancelled on account of death only upon a determination by the Commissioner on the basis of such other evidence of death as he may find conclusive. The holder shall return any payments received from the estate of the borrower or paid on behalf of the borrower after the determination of death is made.

(b) *Disability.* If a borrower becomes totally and permanently disabled, as defined in § 177.11(s), his obligation to make any further payments of principal and interest on a loan insured under this subpart is cancelled. The holder of the loan may not attempt to collect on the loan from the borrower or an endorser once there is reason to believe that a borrower has become totally and permanently disabled. The Commissioner shall determine whether a borrower has become totally and permanently disabled on the basis of current (i.e., no older than 4 months prior to the date of submission of the request for cancellation) medical evidence supplied by the lender (obtained from the borrower or his representative) on forms provided or approved by the Commissioner. Any payments received by the holder of the loan after the holder has reason to believe that the borrower is totally and permanently disabled, but before the Commissioner has made such a determination, must be retained by the holder and later returned to the borrower if the Commissioner determines that the borrower is totally and permanently disabled. Any payments received by the holder from the borrower or on behalf of the borrower after the Commissioner's determination that the borrower is totally and permanently disabled must also be returned.

(20 U.S.C. 1082, 1087)

§ 177.63 Cessation of lender collection activity in certain cases.

(a) If a lender holding a loan insured under this subpart determines that any of the following conditions exist with respect to the loan, the lender must cease, or refrain from, collection activity on the loan, and it must file a default claim with the Commissioner, pursuant to § 177.64, within 60 days of making such a determination (whether or not the loan has entered the repayment period and whether or not the borrower is eligible for deferment of repayment of principal under § 177.58(f)):

(1) The eligible institution in which the student borrower enrolled for the academic term covered by the loan has terminated its teaching activities with respect to that borrower during that academic term;

(2) The Commissioner (i) has instituted an action under Subpart H of this part for the limitation, suspension, or termination of the eligibility of the eligible institution in which the student borrower was enrolled for the academc term covered by the loan, or of any lender which has held the loan, and (ii) has directed that a default claim be filed on the loan; or

(3) The borrower, or a State or local government agency acting on his behalf, has filed, in a court of competent jurisdiction, an action against an eligible institution or an eligible lender, or a Federal agency other than the Office of Education has instituted an administrative proceeding against an eligible institution or an eligible lender, alleging facts regarding the provision of educational services or making of the loan which, if proven, would in the judgment of the holder of the loan entitle the student borrower to refuse to repay all or a portion of the loan, or to obtain a judgment for recovery of payments already made on the loan.

(b) If the Commissioner finds that a determination made by a lender under paragraph (a) of this section is correct, he shall pay the default claim filed on the loan in the amount otherwise provided for under applicable law and regulations. If he finds that the lender's determination is not correct, he shall refuse payment on the claim, and the lender's responsibilities for collection activity on the loan shall be the same as if it had not made a determination under paragraph (a) of this section.

(c) A lender shall not, as a result of a default claim filed with the Commissioner under paragraph (a) of this section, make a report to any credit bureau or other third party concerning the borrower's failure to repay his loan.

(20 U.S.C. 1080, 1082)

§ 177.64 Procedures for filing and payment of claims.

(a) *Filing of claim application.* A claim for reimbursement for loss on an insured loan must be filed on a form provided by the Commissioner. The claim may be filed at such time as the holder (1) determines that the loan is in default, as de-

fined in § 177.11(b), (2) determines that any of the conditions for filing a default claim without collection efforts, as set forth in § 177.63 and § 177.65(b), exist, (3) determines, pursuant to § 177.62, that the borrower has died, (4) is notified that the Commissioner has determined the borrower to be totally and permanently disabled, or (5) determines that the borrower has been adjudicated a bankrupt. The claim must be accompanied by such documentation as is required by this part or which the Commissioner may otherwise require, including but not limited to the loan note, the loan application, and the original or a copy of all documents and communications maintained as to payment and collection pursuant to § 177.59(d) (7) and (8) (whether by the original lender, an independent servicing agency, or any subsequent holder) and, in the case of a loan in default, an affidavit, on a form to be supplied by the Commissioner, to the effect that to the best of the holder's knowledge and belief, the borrower is not entitled to deferment of the repayment of the principal of the loan as provided for in § 177.58(f). In cases of loss on acocunt of cancellation for death or total and permanent disability, the claim must also be accompanied by the documents forming the basis for the determination. In cases of bankruptcy, the claim must be accompanied by copies of a proof of claim filed by the holder with the bankruptcy referee and any other pertinent correspondence directed to or received from the referee in bankruptcy by the holder or a previous holder, and by a statement as to any objections to the discharge in bankruptcy of which the holder may be aware. If, after the holder has filed a default claim which has been paid or is pending, the holder determines that the borrower has been adjudicated a bankrupt, it shall not file a proof of claim with the bankruptcy referee but shall promptly forward the notice of the first meeting of creditors to the Office of Education.

(b) *Assignment of notes.* Payment of a claim shall be contingent upon receipt of an assignment to the United States of America of all right, title and interest of the holder in the note as to which the claim is filed (and, in a case of bankruptcy, of a copy of an assignment of the proof of claim to the United States, filed with the bankruptcy referee), without warranty except that the note qualifies for insurance under this subpart.

(c) *Timely filing of default, bankruptcy, death, and total and permanent disability claims.* Except as indicated in paragraph (d) of this section, or pending the outcome of a suit filed against a borrower under § 177.59(d)(10), the lender must file a claim with the Commissioner within 60 days after a loan has been determined to be in default (as defined in § 177.11(b)) or the lender has determined that any of the conditions for filing a default claim without collection efforts, as set forth in § 177.63 or § 177.65(b), exist, within 30 days after the receipt by the lender of the notice of the first meeting of creditors from the bankruptcy referee, or within 60 days after the lender determines that the borrower is dead or after the lender is notified that the Commissioner has determined the borrower to be totally and permanently disabled. The Commissioner may determine claims filed after these periods to be ineligible for payment.

(d) *Extended collection efforts beyond the date of default.* If the holder reasonably determines that a loan in default (as defined in § 177.11) may still be collectable after the date for filing a default claim specified in paragraph (c) of this section, it may refrain from filing a default claim for a reasonable time after that date if documented collection efforts consistent with the standards in § 177.59(d) are continued. In this event the holder must, if the default is not cured, file a default claim with the Commissioner within 60 days after it is determined that the loan is uncollectable, but not later than 6 months after the date for filing a default claim specified in paragraph (c) of this section.

(e) *Payment of insured interest on defaulted loans.* Where it is determined, under § 177.65, that a loan in default is eligible for the insurance of unpaid interest, the payment on the claim shall cover unpaid interest that accrues:

(1) before the beginning of the repayment period in the case of a loan that does not qualify for Federal interest benefits, whether or not the accrued interest was added to the principal amount of the loan by the date upon which repayment of the first installment of principal fell due,

(2) through the date of default,

(3) during the period permitted under paragraphs (c) and (d) of this section for filing the claim,

(4) during a period not to exceed 30 days following the return of the default claim to the lender by the Commissioner for additional documentation necessary for the claim to be approved by the Commissioner, and

(5) during the period required by the Commissioner to approve the claim for payment.

(f) *Payment of insured interest on bankruptcy claims.* Where it is determined, under § 177.65, that a loan made to a borrower who has been adjudicated bankrupt is eligible for the insurance of unpaid interest, the payment on the claim shall cover unpaid interest that accrues:

(1) before the beginning of the repayment period in the case of a loan that does not qualify for Federal interest benefits, whether or not the accrued interest was added to the principal amount of the loan by the date upon which repayment of the first installment of principal fell due,

(2) during any subsequent period before the receipt by the lender of the notice of the first meeting of creditors from the bankruptcy referee,

(3) during the period permitted under paragraph (c) of this section for filing the claim,

(4) during a period not to exceed 30 days following the return of the bankruptcy claim to the lender by the Commissioner for additional documentation necessary for the claim to be approved by the Commissioner, and

(5) during the period required by the Commissioner to approve the claim for payment.

(g) *Payment of insured interest on death claims.* Where it is determined, under § 177.65, that a loan is eligible for the insurance of unpaid interest on a death claim, the payment shall cover unpaid interest that accrues:

(1) before the beginning of the repayment period in the case of a loan that does not qualify for Federal interest benefits, whether or not the accrued interest was added to the principal amount of the loan by the date upon which repayment of the first installment of principal fell due,

(2) during any subsequent period before the lender determines that the borrower is dead,

(3) during the period permitted under paragraph (c) for filing the claim,

(4) during a period not to exceed 30 days following the return of the death claim to the lender by the Commissioner for additional documentation necessary for the claim to be approved by the Commissioner, and

(5) during the period required by the Commissioner to approve the claim for payment.

(h) *Payment of insured interest on total and permanent disability claims.* Where it is determined, under § 177.65, that a loan is eligible for the insurance of unpaid interest on a total and permanent disability claim, the payment shall cover unpaid interest that accrues:

(1) before the beginning of the repayment period in the case of a loan that does not qualify for Federal interest benefits, whether or not the accrued interest was added to the principal amount of the loan on the date upon which the repayment of the first installment of principal fell due;

(2) during any subsequent period prior to the filing by the lender with the Commissioner of medical evidence as to the borrower's total and permanent disability, pursuant to § 177.62(b), requesting a determination of total and permanent disability;

(3) during the period required for the Commissioner to review the submission under paragraph (h)(2) of this section to determine if the borrower is totally and permanently disabled;

(4) during the period permitted under paragraph (c) of this section for filing the claim;

(5) during a period not to exceed 30 days following the return of the total and permanent disability claim to the lender by the Commissioner for additional documentation necessary for the claim to be approved by the Commissioner, and

(6) during the period required by the Commissioner to approve the claim for payment.

(20 U.S.C. 1080, 1082, 1087)

§ 177.65 Determination of amount of loss on default claims.

The amount of loss to be paid on claims filed pursuant to § 177.64, for loans for which the application for insurance commitment was received by the U.S. Office of Education prior to July 1, 1972, or between August 19, 1972, and February 28, 1973, (or, with respect to claims based on the borrower's death or total and permanent disability, for loans made prior to December 15, 1968), shall be equal to the unpaid balance of the principal amount of such loan other than any interest or other charges which may have been added to, and become part of, the principal amount of the loan. For loans for which such applications were received between July 1 and August 18, 1972, or after February 28, 1973, (and, with respect to claims based on the borrower's death or total and permanent disability, for loans made on or after December 15, 1968), the amount of the loss to be paid on claims filed pursuant to § 177.64 shall be equal to the unpaid balance of the principal and interest. In determining what amount of such balance is unpaid, the Commissioner shall take cognizance of legal defects affecting the initial validity or insurability of the loan which arise under Title IV, Part B of the Higher Education Act of 1965 (20 U.S.C. 1071 to 1087–1), the regulations set forth in this part, or applicable State law. Subject to the provisions of § 177.53(b), the Commissioner shall deduct from the claim any amounts included therein which are attributable to legal defects deriving from fraud, forgery or intentional misrepresentations on the part of the borrower, the educational institution or the lender or deriving from noncompliance with the statutory conditions and elements set forth in sections 425 and 427 of the Higher Education Act of 1965 (20 U.S.C. 1075, 1077). In determining whether deductions should be made which are attributable to other defects, the Commissioner shall consider whether there is any evidence of an intention to mislead or defraud and whether the lender, in making the loan, failed to exercise care and diligence commensurate with prudent business practices. In addition, the Commissioner will determine the amount of the unpaid balance in accordance with the following rules:

(a) *Loans made by lenders which are not educational institutions.* If the loan for which a claim has been filed was originally made by an eligible lender which was not an institution of higher education or a vocational school, the unpaid balance shall be the amount of the loan, minus any payments which have been properly made to the holder of the loan by the borrower or on the borrower's behalf. If, however, the lender has obtained the borrower's authorization to have the educational institution in which the borrower is enrolled pay directly to the lender any refund from the institution to which the borrower becomes entitled, the lender must make a diligent effort to collect such refund prior to filing the claim; if the lender fails to make such efforts, the Commissioner will deduct from the claim any amount included therein which is attributable to such refund. If the claim has been filed by an eligible lender which did not make the loan, but has obtained it by transfer or assignment, the transferee or assignee shall not be entitled to any payment under this section greater than that to which the transferor or assignor would be entitled under this section. In particular, the Commissioner shall deduct from the claim any amounts included therein which are attributable to payments made by the borrower to a prior holder of the loan prior to, or in the absence of, proper notice of the transfer or assignment to the borrower. If the loan for which a claim has been filed was made by an eligible lender which is not an educational institution, but for which the conditions set forth in paragraph (c) of this section exist, the Commissioner will determine the amount of the loss on such claim in accordance with the rules set forth in paragraph (b)(2) of this section.

(b) *Loans made by educational institutions.* (1) If the loan for which a claim has been filed was originally made by an eligible institution of higher education or vocational school, and the claim has been filed by such lender, the Commissioner shall deduct from the claim any amounts included therein which are attributable to either (i) a refund (in the amount calculated under § 177.73(e)) which the institution is obligated to make pursuant to § 177.73, but has not made; or (ii) any portion of the program of study which the student was unable to complete due to the institution's termination of its teaching activities during the period of time for which the student obtained a loan under this part. If the situation described in paragraph (b)(1)(ii) of this section arises, the lender shall not make any effort to collect on the loan from the student, shall not hold the loan during the grace period provided for in § 177.58(a), and shall promptly file a claim pursuant to § 177.64. The Commissioner shall reimburse the lender in an amount which bears the same ratio to the total amount of the loan as the amount of the educational services which the student received before the institution terminated its teaching activities bears to the total services which he would have received, during the period for which the loan was obtained, had the institution not terminated its teaching activities. The Commissioner will then determine whether, after the grace period has expired, the student is obligated to make any repayments on the loan and, if so, in what amount.

(2) If the loan for which a claim has been filed was originally made by an eligible institution of higher education or vocational school, but the claim has been filed by another eligible lender which obtained the note by transfer or assignment, the Commissioner shall deduct from the claim any amounts included therein which are attributable to (i) a refund in the amount calculated under § 177.73(e) which the institution became obligated to make, pursuant to § 177.73, prior to the transfer or assignment, but has not made; or (ii) any payments made to the institution (or any other prior holder of the loan) which the lender filing the claim authorized to be made or knowingly permitted to be made, or which were made prior to or in the absence of a proper notice of the transfer or assignment having been sent to the student; or (iii) any portion of the program of study which the student was unable to complete due to the institution's termination of its teaching activities during the period of time for which the student obtained a loan under this part. The Commissioner will not deduct from the claim an amount which would be attributable to a refund which the institution became obligated to make after the date of the transfer or assignment, but has not made, if the lender, prior to filing the claim, has made a diligent effort to collect such refund from the institution. If the lender fails to make such effort, the Commissioner will deduct from the claim any amount included therein which is attributable to a refund which the institution is obligated to make. If a lender holding a loan that was made by an educational institution has knowledge that the institution has terminated its teaching activities during the period of time for which the student obtained a loan under this part, the lender shall not make any effort to collect on the loan from the student, shall not hold the loan during the grace period provided for in § 177.58(a), and shall promptly file a claim pursuant to § 177.64. The lender will be reimbursed an amount which bears the same ratio to the total amount of the loan as the amount of the educational services which the student received before the institution terminated its teaching activities bears to the total services which he would have received, during the period for which the loan was obtained, had the institution not terminated its teaching activities. The Commissioner will then determine whether, after the grace period has expired, the student is obligated to make any repayments on the loan and, if so, in what amount.

(c) *Loans made by lenders having special relationships with educational institutions.* For purposes of this section, a loan which has been made by a lender which is not an educational institution shall be treated, in accordance with paragraph (b)(2) of this section, as if it were a loan made by an educational institution and transferred to the lender on the date of the initial disbursement of the loan, in any case in which the lender:

(1) Has a majority of its voting stock held by an educational institution; or

(2) Has common ownership or management with one or more educational institutions and more than 50 percent of the loans made under this part by the lender have been made to students at such institution; or

(3) Has delegated to an educational institution substantially all of the functions and responsibilities normally performed by a lender prior to making a

loan, such as interviewing the applicant for the loan, explaining the applicant's responsibilities under the loan, obtaining completion of necessary forms, obtaining necessary documentation, and (subject to § 177.53(b)) verifying that the student is eligible for the loan.

(d) *Effect of violations of requirements in this part on disposition of default claims.* (1) The Commissioner may deny payment of a default claim on a loan made under this subpart if any of a number of the requirements in this part have been violated with respect to that loan. Violations of some of these requirements might be cured by the holder, in a manner specified by the Commissioner, as a condition for payment of a default claim. Some of the violations may be excused by the Commissioner if (i) the holder submitting the default claim satisfies the Commissioner that the violation did not contribute to the default or (ii) the violation was committed by a prior holder of the loan and the holder submitting the default claim satisfies the Commissioner that the transaction whereby it received the loan was an arm's-length transaction, that it inquired of the transferor at the time of the transfer whether the specific violation in question had occurred and was advised that it had not, and that it otherwise had no knowledge of the violation at the time of the transfer and could not have become aware of it through examination of the loan documents. All violations of the requirements of this part, regardless of whether they lead to denial of default claims, could form a basis for the limitation, suspension, or termination of the eligibility of a lender under this subpart, in accordance with the procedures set forth in Subpart H of this part.

(2) The following are some examples of violations which are non-curable:

(i) Loan ineligible for Federal insurance under § 177.51 (not excusabe).

(ii) Loan originated by lender not having an agreement with the Commissioner under § 177.52 (not excusable).

(iii) Loan made in amount exceeding amount of insurance commitment under § 177.55(a) (not excusable as to excess).

(iv) Loan disbursed prior to issuance of insurance commitment under § 177.55 (a).

(v) Loan made without insurance commitment under § 177.55 (not excusable).

(vi) Loan not evidenced by promissory note under § 177.57(a) or other documentation satisfactory to the Commissioner (not excusable).

(vii) Loan evidenced by promissory note not approved as to form by the Commissioner under § 177.57(a).

(viii) Loan originated by a lender (other than an educational institution) which disbursed proceeds directly to the borrower rather than through an educational institution as required by § 177.57(d)(2).

(ix) Loan originated by a lender which obtained the borrower's authorization to endorse an instrument of disbursement on his behalf in violation of § 177.57 (d)(1) or (e)(1).

(x) Loan originated by a lender (other than an educational institution) which transmitted an instrument of disbursement to an educational institution without notifying the borrower in writing under § 177.57(d)(2).

(xi) Loan originated by lender (other than an educational institution) which without the approval of the Commissioner, disbursed loan proceeds earlier than 30 days prior to the date on which the student was scheduled to matriculate in violation of § 177.57(d)(1).

(xii) Loan originated by a lender which was an educational institution, to the extent that an amount was disbursed which was greater than that reasonably necessary to enable the student to travel from his residence to the institution, if the student failed to matriculate at the institution during the academic period for which the loan was made, under § 177.57(e)(1).

(xiii) Loan made to borrower who did not (or whose parents did not) reside within lender's normal trade area under § 177.59(b)(2) or meet the conditions of § 177.59(b)(2) (ii) or (iii).

(xiv) Loan made to borrower without borrower orientation as prescribed under § 177.59(b)(3).

(xv) Annual contact not made with borrower under § 177.59(c)(4).

(xvi) Default claim not filed within time period specified in § 177.64(c).

(xvii) Violation of § 177.13 occurred as to loan (not excusable on the basis that the violation did not contribute to the default).

(xviii) Lender or eligible institution had borrower sign a form relating to the loan in blank in violation of § 177.15.

(3) The following are some examples of violations which might be curable if conditions specified by the Commissioner are met:

(i) Insurance premium not paid on loan under § 177.56 (curable as set forth in § 177.56(c)).

(ii) Repayment required of borrower before commencement of repayment period under § 177.58(a) or within a period shorter than the minimum repayment period as provided in § 177.58(b).

(iii) Repayment required of borrower during a period of authorized deferment under § 177.58(f).

(iv) Repayment not required of borrower upon commencement of repayment period under § 177.58(a) where lender knew or should have known of commencement of repayment period.

(v) Borrower penalized for prepayment in violation of § 177.58(h).

(vi) Lender did not comply with one or more of the requirements for due diligence in collection under § 177.59(d).

(vii) Borrower not notified of transfer of loan under § 177.61(c).

(viii) Default claim not accompanied by required documentation under § 177.-64(a).

(20 U.S.C. 1080, 1082)

§ 177.66 Records, reports and inspections.

(a) *Records.* Lenders (including subsequent holders) of federally insured loans must keep records as specifically required by this part and as may be necessary to make the reports described in paragraph (b) of this section. In addition, they must keep complete and accurate records of each loan account, reflecting each transaction so as to afford ready identification of the borrower's account and status and containing full and proper documentation to support a claim for loss. A lender (or subsequent holder) must retain records for a loan until such time as the Commissioner has no further need for such records but for not less than 5 years from the date the loan has been repaid in full by the borrower or the lender has been reimbursed for a loss on the loan by the Commissioner.

(b) *Reports.* Lenders (including subsequent holders) of federally insured loans must submit reports to the Commissioner at such times and in such manner as he shall prescribe, including periodic reports on:

(1) The collection and payment of loan insurance premiums;

(2) Loans insured, loans repaid in full, loans defaulted or for which other claims for loss have been submitted to the Commissioner, and total loans converted from in-school to replayment or deferment status;

(3) Interest and special allowance payments due from the Commissioner and

(4) The other subjects of the reports referred to in § 177.59(c)(3).

(c) *Inspections.* A lender (including a subsequent holder) of federally insured loans must afford the Commissioner (or other agencies of the Government designated by the Commissioner) access to its records upon request in order to assure the correctness of the reports described in paragraph (b) of this section.

(20 U.S.C. 1077, 1078, 1079, 1080, and 1082)

§ 177.67 Collection efforts by the Commissioner after payment of default claims.

After the Commissioner has paid a default claim on a loan insured under this subpart, he shall attempt to obtain repayment on the loan from the borrower (and a proper endorser) in accordance with the following standards:

(a) If the Commissioner determines that the borrower (or endorser) has a defense on the loan under applicable law, he shall refrain from collection to the extent of the defense.

(b) If the Commissioner determines that the borrower is entitled under § 177.73 to a refund from the eligible institution in which the borrower enrolled for the academic term intended to be covered by the loan, but that such refund has not been made, the Commissioner shall forgive the borrower's indebtedness to the extent of the unmade refund (in the amount calculated under § 177.73 (e)), *Provided*, That (1) (if the borrower has not previously assigned his right to the refund to a lender) the borrower assigns his right to receive the refund from the eligible institution to the Commissioner in a manner approved by the Commissioner and (2) the borrower pays to the Commissioner the remaining por-

tion of his indebtedness on the loan, if any.

(c) If the Commissioner determines that the eligible institution in which the student borrower enrolled for the academic term intended to be covered by the loan terminated its teaching activities with respect to that borrower during that academic term, the Commissioner shall forgive the borrower's indebtedness to the extent that, under applicable law, the borrower would have had a defense on the loan if the loan (1) had been made by the eligible institution, (2) was part of the same transaction as the student's enrollment at the eligible institution, and (3) was in consideration for the educational services that were to be provided by the educational institution. As conditions to such forgiveness the borrower must (i) assign his rights to receive any refund due him under § 177.73 (in the amount calculated under § 177.73(e)) from the eligible institution, if any, to the Commissioner in a manner approved by the Commissioner (unless the borrower has previously assigned his rights to the refund to a lender) and (ii) pay to the Commissioner the remaining portion of his indebtedness on the loan, if any.

(d) If the Commissioner determines that the borrower, or a State or local government agency acting on his behalf, has filed, in a court of competent jurisdiction, an action against an eligible institution, an eligible lender, or the Commissioner, or that a Federal agency other than the Office of Education has instituted an administrative proceeding against an eligible institution or a lender, alleging facts regarding the provision of educational services or the making of the loan which, if proven would in the judgment of the Commissioner entitle the borrower to refuse to repay all or a portion of the loan, or to obtain a judgment for recovery of payments already made on the loan, the Commissioner shall suspend his collection activity pending the final resolution of the litigation or the administrative proceeding, and shall then take such collection activity as he deems appropriate in light of such resolution, provided that:

(1) The Commissioner at no time has reason to believe that (in the case of an action) the action is not being prosecuted in good faith or in an energetic or timely manner; and

(2) The Commissioner does not make his own determination that the borrower's allegations regarding the provision of educational services or the making of the loan are unlikely to be proven.

(e) If the Commissioner has instituted an action under Subpart H of this part for the limitation, suspension, or termination of the eligibility of the eligible institution in which the student borrower was enrolled for the academic term covered by the loan or of any lender which has held the loan, the Commissioner may, if he believes that the outcome of such action should have a bearing on the borrower's obligation to repay the loan, suspend his collection activity pending the final resolution of such action, and shall then take such collection activity as he deems appropriate in light of such resolution.

(f) If the Commissioner determines that the borrower has died or become totally and permanently disabled, he shall refrain from collection thereafter. If the Commissioner determines that an endorser has died or become totally and permanently disabled, he shall refrain from collection against the endorser or his estate thereafter.

(g) Except as otherwise provided in this section or where inconsistent with an exercise of forbearance (i.e., permitting the borrower to repay the loan through deferred or reduced installments), the Commissioner shall adhere to the Federal Claims Collection Standards (4 CFR Parts 101–105).

(20 U.S.C. 1080, 1082)

Section 177.73 is amended by revising paragraph (e) as follows:

Subpart G—Requirements and Standards for Participating Educational Institutions

§ 177.73 Refunds.

* * * * *

(e) The portion of a refund made under paragraph (d) of this section which shall be allocable to the loan made to the student under this part (for the period of enrollment to which the refund is attributable) shall be the lesser of the principal amount of the loan or the amount which bears the same ratio to the total amount of the refund as the principal amount of the loan bears to the total amount of assistance received by the student under all financial aid programs for the period of enrollment for which the loan was made. The participating institution must pay the portion of the refund that is allocable to the loan directly to the original lender of the loan (or to a subsequent holder, if the participating institution has knowledge of its identity) and provide contemporaneous written notice to the student that it is doing so. By applying for a loan under this part a student shall be deemed to authorize the participating institution to make such a payment, which shall constitute a downward adjustment in the amount of the loan.

* * * * *

(20 U.S.C. 1082(a)(1), 1087–1(a))

Subpart H—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part

CHART.—*Impact of Education Amendments of (Public Law 94–482) on guaranteed student loan program proposed regulations*

Proposed regulation sections affected by Public Law 94–482	Provision	Statutory section—Title IV of the Higher Education Act of 1965, as amended by Public Law 94–482
SUBPART A—PURPOSE AND SCOPE		
177.4(b)	1. Commissioner will discharge loan obligation on basis of student bankruptcy.	437(b)
SUBPART B—GENERAL PROVISIONS		
177.11(e)	2. Eliminates as eligible lenders correspondence schools, lenders whose primary function is making or holding guaranteed loans, and school lenders which do not have at least 1 full-time financial aid administrator.	435(g)
177.11(h), 177.11(r)	3. Recipients of Federal student assistance must be making satisfactory progress and not be in default or owe refunds under any title IV program at school where currently enrolled.	497(e)
177.11(l)	4. Institutions of higher education may admit as regular students non-high-school graduates who are beyond the age of compulsory school attendance.	435(b)
SUBPART C—FEDERAL PAYMENTS		
177.21(a)(1)(iii)	5. Eliminates requirement of needs test for loans over $2,000 per academic year for otherwise eligible student.	(1)
177.21(a)(1)(iii)	6. Raises to $25,000 the adjusted family income qualifying level for interest subsidy.	428(a)(2)(B
177.21(a)(2)	7. Needs test for loans applied to foreign study performed by guarantee agency or Office of Education.	428(a)(9)
177.21(a)(4)(i)	8. Recipients of Federal student assistance must be making satisfactory progress and not be in default or owe refunds under any title IV program at school where currently enrolled.	497(e)
177.21(b), 177.23	9. Under prescribed conditions, permits interest and special allowance billing on total loan amount although only a portion disbursed.	428(a)(8)
177.23	10. Effective Jan. 1, 1977, special allowance determined by rounding 91-d treasury bill rate, minus 3.5 pct, up to nearest ⅛ pct. Maximum rate may not exceed 3 pct through fiscal 1977; raised to 5 pct beginning fiscal year 1978. Establishes a committee to review the adequacy of this formula.	438(b)(2)
SUBPART D—GUARANTEE AGENCY PROGRAMS		
177.33(a)(1)(i)	11. Loans made by State agency or made or originated by school lenders to undergraduates limited to lesser of $2,500 or half cost of education.	428(b)(1)(A)(i
177.33(a)(1)(i)	12. Loans over $1,500 to 1st-yr students made or originated by educational institutions require multiple disbursement.	428(b)(1)(A)(ii)
177.33(a)(1)(i), 177.33(a)(1)(ii)	13. Raises graduate loan maximum to $5,000 yearly and $15,000 total.	428(b)(1)(A) 428(b)(1)(B)

See footnote at end of table.

CHART.—*Impact of Education Amendments of (Public Law 94-482) on guaranteed student loan program proposed regulations*—Continued

Proposed regulation sections affected by Public Law 94-482	Provision	Statutory section—Title IV of the Higher Education Act of 1965, as amended by Public Law 94-482
177.33(a)(1)(v)	14. Student may, after leaving school, request a repayment period of less than 5 yr, or 1 which begins earlier than 9 mo after leaving school, or both.	428(b)(1)(E)(ii)
177.33(a)(1)(xi)	15. Where lender and borrower agree, allows less than $360 yearly repayment.	428(b)(1)(L)
177.33(a)(1)(xi)	16. Permits $360 yearly minimum repayment for married borrowers both having guaranteed loans.	428(b)(1)(L)
177.33(a)(1)(xv)	17. Provides deferment for approved independent graduate study.	428(b)(1)(M)(i)
177.33(a)(1)(xv)	18. Allows single 1-yr deferment for unemployment	428(b)(1)(M)(v)
SUBPART F—FEDERALLY INSURED STUDENT LOAN PROGRAM		
177.53(a)	19. Recipients of Federal student assistance must be making satisfactory progress and not be in default or owe refunds under any title IV program at school where currently enrolled.	497(e)
177.54(a)(1)	20. Loans made by State agency or made or originated by school lenders to 1-yr students limited to lesser of $2,500 or half cost of education.	425(a)(1)(A)
177.54(a)(1)	21. Loans over $1,500 to 1-yr student made or originated by educational institutions require multiple disbursement.	425(a)(1)(B)
177.54(a)(2), 177.54(c)	22. Raises graduate loan maximums to $5,000 yearly and $15,000 total.	425(a)(1) 425(a)(2)
177.58(a), 177.58(b)	23. Student may, after leaving school, request a repayment period of less than 5 yr, or 1 which begins earlier than 9 mo after leaving school, or both.	427(a)(2)(B)(iv)
177.58(f)	24. Provides deferment for approved independent graduate study programs.	427(a)(2)(C)(i)
177.58(f)	25. Allows single 1-yr deferment for unemployment	427(a)(2)(C)(v)
177.58(b)(2)	26. Where lender and borrower agree, allows less than $360 yearly repayment.	427(c)
177.58(b)(2)	27. Permits $360 yearly minimum repayment for married borrowers both having guaranteed loans.	427(c)
177.62	28. Commissioner will discharge loan obligation on basis of student bankruptcy.	437(b)
177.65	29. Provides 100-pct Federal insurance to State lenders initially each year; drops to 90 pct when claims paid exceed 5 pct of loans in repayment at end of previous year and to 80 pct when amount exceeds 9 pct.	425(b)(1)

[1] Provision found in prior law has been eliminated in the revised law.

NOTE.—The Education Amendments of 1976 (Public Law 94-482) have totally rewritten title IV, pt. B of the Higher Education Act of 1965.

Part II. Other provisions of Educations Amendments of 1976 (Public Law 94-482) relevant to guaranteed student loan program

Statutory section of title IV of the Higher Education Act of 1965 as amended by Public Law 94-482	*Provisions*
421(b)(4)(B)	1. Authorizes appropriations to guarantee agency-reserve funds.
421(c)	2. Requires Commissioner to develop and implement a plan to encourage new guarantee agencies.
422(c)	3. Provides advances to guarantee agencies for reserve funds.
423(e)	4. Commissioner may not suspend Federal contracts of current school lenders in guarantee agency States except under prescribed conditions.
424(a), 428(a)(5)	5. Extends program expiration date to 1981.
425(a)(1)(C), 428(b)(1)(A)(iii)	6. Commissioner authorized to prescribe exceptions to $2,500 undergraduate and $5,000 graduate annual loan limits.
427(a)(1)(C), 428(b)(1)(Q)	7. Borrower must promptly notify holder of note of any change of address.
427(a)(2)(C), 428(b)(1)(M)	8. Substitutes "Domestic Volunteer Service Act of 1973" for "Title VIII of the Economic Opportunity Act of 1964" for loan deferment purposes.
427(a)(2)(G), 428(b)(1)(N)	9. Requires that school be notified of loan and name of lender.
428(b)(1)(P)	10. Requires negotiation of repayment within 4 mo of ceasing enrollment (guarantee agency programs only).
428(c)(1)(B)	11. Provides 100-pct Federal reinsurance to guarantee agency initially each year; drops to 90-pct when claims paid exceed 5-pct of loans in repayment at the end of previous year and to 80-pct when amount exceeds 9-pct.
428(e)	12. Authorizes fee of $10 per student borrower to be paid to eligible educational institutions.
428(f)(1)	13. Authorizes payment of ½ pct of new loan principal to guarantee agencies as fee for administrative costs.
428(f)(2)	14. Authorizes additional fee of ½ pct of new loan volume to guarantee agencies that meet prescribed conditions.
428(g)	15. Requires the Commissioner to act upon a request from a nonprofit private guarantee agency to participate in the GSLP within 180 d and notify Congress of his actions.
430(a)	16. Provides payment of insured interest by Commissioner on federally insured loan from date of valid claim submission until date Commissioner authorizes payment.
430(b)	17. Under prescribed conditions, Commissioner can contract with private business or guarantee agency for default collection.
432(c)	18. Commissioner must make annual loan volume and default reports by lender categories.
432(d)	19. Certain loan administration functions of the Office of Education may be delegated to regional offices.
433(a)	20. No loans to more than 50 pct of student body by school lender; hardship waiver possible.
433(a)(1)	21. Borrower must provide evidence of commercial lender refusal before borrowing from school lender.
433(b)(1)	22. School deemed to be the originator of a loan if it performs certain functions on behalf of eligible lender.

Part II. Other provisions of Educations Amendments of 1976 (Public Law 94-482) relevant to guaranteed student loan program—Continued

Statutory section of title IV of the Higher Education Act of 1965 as amended by Public Law 94-482	*Provisions*
435(a)	23. Eligible educational institutions may not use commissioned salesmen to promote guaranteed loans.
435(g)	24. Eliminates school lenders which have 15-pct default rates for 2 consecutive years; waiver possible under certain conditions.
435(i)	25. Defines "due diligence."
438(b)(4)	26. Commissioner to pay daily interest on special allowance and interest subsidy billings if not paid within 30 d after receipt of billing.
439(d)(3)	27. Student Loan Marketing Association can secure insured student loan transactions by taking possession or filing notice.
439(l)	28. In civil actions, Student Loan Marketing Association considered a resident of the District of Columbia.
439A	29. Effective Sept. 30, 1977, student loans may not be discharged in bankruptcy until 5 yr (exclusive of deferments) after the repayment period begins; hardship waiver possible.
440	30. Provides criminal penalties for unlawful acts in connection with guaranteed student loan propgram.
497A(a)(3)	31. Requires educational institutions to report student status and address to lender or guarantor.
497A(b)	32. Authority to limit, suspend or terminate eligibility of educational institutions extended to all student aid programs. Guaranteed student loan program regulations remain in effect until new regulations are published.
(1)	33. Eliminates statutory authority for the Commissioner to make loans directly to vocational students.

[1] Provision found in prior law has been eliminated in the revised law.

NOTE: The Education Amendments of 1976 (Public Law 94-482) have totally rewritten title IV, Pt. B of the Higher Education Act of 1965.

APPENDIX

Selected provisions in the Education Amendments of 1976 (Pub. L. 94-482) which affect the GSLP.

"PART B—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST INSURED LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

"SEC. 421. (a) The purpose of this part is to enable the Commissioner (1) to encourage States and nonprofit private institutions and organizations to establish adequate loan insurance programs for students in eligible institutions (as defined in section 435), (2) to provide a Federal program of student loan insurance for students or lenders who do not have reasonable access to a State or private nonprofit program of student loan insurance covered by an agreement under section 428 (b), (3) to pay a portion of the interest on loans to qualified students which are made by a State under a direct loan program meeting the requirements of section 428(a)(1)(B), or which are insured under this part or under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 428 (c)(1)(A), and (4) to guarantee a portion of each loan insured under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 428(a)(1)(C).

"(b) For the purpose of carrying out this part—

"(1) There are authorized to be appropriated to the student loan insurance fund (established by section 431) (A) the sum of $1,000,000, and (B) such further sums, if any, as may become necessary for the adequacy of the student loan insurance fund,

"(2) There are authorized to be appropriated, for payments under section 428 with respect to interest on student loans and for payments under section 437, such sums for the fiscal year ending June 30, 1966, and succeeding fiscal years, as may be required therefor,

"(3) There is authorized to be appropriated the sum of $17,500,000 for making advances pursuant to section 422 for the reserve funds of State and nonprofit private student loan insurance programs,

"(4) There are authorized to be appropriated (A) the sum of $12,500,000 for making advances after June 30, 1968, pursuant to sections 422 (a) and (b), and (B) such sums as may be necessary for making advances pursuant to section 422(c), for the reserve funds of State and nonprofit private student loan insurance programs, and

"(5) There are authorized to be appropriated such sums as may be necessary for the purpose of paying an administrative cost allowance in accordance with section 428(f) to State and nonprofit institutions and organizations with which the Commissioner has an agreement under section 428(b).

Sums appropriated under clauses (1), (2), (4), and (5) of this subsection shall remain available until expended, and sums appropriated under clause (3) of this subsection shall remain available for advances under section 422 until the close of the fiscal year ending June 30, 1968.

"(c) For purposes of carrying out this part—

"(1) The Commissioner shall develop and execute a plan designed to encourage the establishment of student loan insurance program by each State which does not have such a program covered by an agreement pursuant to section 428(b);

"(2) The Commissioner shall make a report to the Congress within 180 days after the enactment of the Education Amendments of 1976, containing a description of the plan developed according to paragraph (1) accompanied by a timetable for the execution of such plan; and

"(3) The Commissioner shall make a report to the Congress before June 30, 1977, which shall include—

"(A) A description of the activities the Commissioner and his designees have undertaken pursuant to paragraph (1),

"(B) A description of such State's plans to establish a program meeting the requirements of section 428(b), and

"(C) The Commissioner's recommendations to the Congress as to what changes in law, or policy would encourage the establishment of such a program in all States without such programs.

"ADVANCES FOR RESERVE FUNDS OF STATE AND NONPROFIT PRIVATE LOAN INSURANCE PROGRAMS

"SEC. 422.(a)(1) From the sums appropriated pursuant to clauses (3) and (4)(A) of section 421(b), the Commissioner is authorized to make advances to any State with which he has made an agreement pursuant to section 428(b) for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by that agreement. If for any fiscal year a State does not have a student loan insurance program covered by an agreement made pursuant to section 428(b), and the Commissioner determines after consultation with the chief executive officer of that State that there is no reasonable likelihood that the State will have such a student loan insurance program for such year, the Commissioner may make advances for such year for the same purpose to one or more nonprofit private institutions or organizations with which he has made an agreement pursuant to section 428 (b) in order to enable students in the State to participate in a program of student loan insurance covered by such an agreement. The Commisisoner may make advances under this subsection both to a State program (with which he has such an agreement) and to one or more nonprofit private institutions or organizations (with which he has such an agreement) in that State if he determines that such advances are necessary in order that students in each eligible institution have access through such institution to a student loan insurance program which meets the requirement of section 428(b)(1).

"(2) No advance shall be made after June 30, 1968, unless matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term 'unencumbered non-Federal portion' means the amount (determined as of the time immediately preceding the making of the advance) of the reserve fund less the greater of (A) the sum of (i) advances made under this section prior to July 1, 1968, (ii) an amount equal to twice the amount of advances made under this section after June 30, 1968, and before the advance for purposes of which the determination is made, and (iii) the proceeds of earnings on advances made under this section, or (B) any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans.

"(3) Advances pursuant to this subsection shall be upon such terms and conditions (including conditions relating to the time or times of payment) consistent with the requirements of section 428(b) as the Commissioner determines will best carry out the purposes of this section. Advances made by the Commissioner under this subsection shall be repaid within such period as the Commissioner may deem to be appropriate in each case in the light of the maturity and solvency of the reserve fund for which the advance was made.

"(b)(1) The total of the advances to any State prior to July 1, 1968, pursuant to subsection (a) may not exceed an amount which bears the same ratio to 2½ per centum of $700,000,000 as the population of that State aged eighteen to twenty-two, inclusive, bears to the total population of all the States aged eighteen to twenty-two inclusive. The amount available, however, for advances to any State for each fiscal year ending prior to July 1, 1968, shall not be less than $25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below $25,000 per year) the amount available for advances to each of the remaining States. Advances to nonprofit private institutions and organizations prior to July 1, 1968, pursuant to subsection (a) may be in such amounts as the Commissioner determines will best achieve the purposes for which they are made, except that the sum of (1) advances to such institutions and organizations for the benefit of students in any State plus (2) the amounts advanced to such State, may not exceed the maximum amount which may be advanced to that State pursuant to the first two sentences of this subsection.

"(2) The total of the advances from the sums appropriated pursuant to clause (4)(A) of section 421(b) to nonprofit private institutions and organizations for the benefit of

students in any State and (B) to such State may not exceed an amount which bears the same ratio to such sums as the population of such State aged eighteen to twenty-two, inclusive, bears to the population of all the States aged eighteen to twenty-two, inclusive, but such advances may otherwise be in such amounts as the Commissioner determines will best achieve the purposes for which they are made. The amount available, however, for advances to any State shall not be less than $25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below $25,000) the amount available for advances to each of the remaining States.

"(3) For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c)(1) From sums appropriated pursuant to section 421(b)(4)(B), the Commissioner shall advance to each State which has an agreement with the Commissioner under section 428(c) with respect to a student loan insurance program, an amount determined in accordance with paragraph (2) of this subsection to be used for the purpose of making payments under the State's insurance obligations under such program.

"(2)(A) Except as provided in subparagraph (B), the amount to be advanced to each such State shall be equal to the greater of (i) $50,000, or (ii) 10 per centum of the principal amount insured by such agency on those loans on which the first payment of principal became due during the fiscal year immediately preceding the fiscal year in which the advance is made.

"(B) The amount of any advance determined according to subparagraph (A) of this paragraph shall be reduced by (i) the amount of any advance or advances made to such State pursuant to this subsection at an earlier date, and (ii) the amount of the unspent balance of the advances made to a State pursuant to subsection (a).

"(C) For purposes of subparagraph (B) the unspent balance of the advances made to a State pursuant to subsection (a) shall be that portion of the balance of the State's reserve fund (remaining at the time of the State's first request for an advance pursuant to this subsection) which bears the same ratio to such balance as the Federal advances made and not returned by such State, pursuant to subsection (a), bears to the total of all past contributions to such reserve fund from all sources (other than interest on investment of any portion of the reserve fund) contributed since the date such State executed an agreement pursuant to section 428(b).

"(3) The earnings, if any, on any investments of advances received pursuant to this subsection must be used for making payments under the State's insurance obligations.

"(4)(A) No repayment of any advances made pursuant to this subsection shall be required until such time as the sum of the advances under this subsection exceeds 20 per centum of the State's outstanding insurance obligation determined in accordance with subparagraph (B) of this paragraph.

"(B) For purposes of this paragraph, a State's outstanding insurance obligation shall be determined by subtracting from the total principal amount of loans insured by the State since it entered into an agreement pursuant to section 428(b), the total principal amount of loans insured by such State which have been fully repaid by the borrower, the State itself, or the Commissioner, and loans which have been canceled.

"(C) At such time as advances pursuant to this subsection reach the level indicated in subparagraph (A) of this paragraph, the amount of any excess shall be paid over to the Commissioner in a lump sum at the beginning of each fiscal year for deposit in the fund established by section 431.

"(5) Advances pursuant to this subsection shall be made to a State—

"(A) In the case of a State which is actively carrying on a program under an agreement pursuant to section 428(b) which was entered into before the effective date of this subsection, upon such date as such State may request, but not before October 1, 1977, and on the same day of each of the two succeeding calendar years after the date so requested; and

"(B) In the case of a State which enters into an agreement pursuant to section 428(b) on or after the effective date of this subsection, upon such date as such State may request, but not before October 1, 1977, and on the same day of each of the four succeeding calendar years after the date so requested of the advance.

"(6)(A) If for any fiscal year a State does not have a student loan insurance program covered by an agreement made pursuant to section 428(b), and the Commissioner determines after consultation with the chief executive officer of that State that there is no reasonable likelihood that the State will have such a student loan insurance program for such year, the Commissioner may make advances pursuant to this subsection for such year for the same purpose to one or more nonprofit private institutions or organizations with which he has made an agreement pursuant to subsection (c), as well as subsection (b), of section 428 and subparagraph (B) of this paragraph in order to enable students in that State to participate in a program of student loan insurance covered by such agreements.

"(B) The Commissioner may enter into an agreement with a private nonprofit institution or organization for purposes of this paragraph under which such institution or organization—

"(i) Agrees to establish within such State at least one office with sufficient staff to handle written and telephone inquiries from students, eligible lenders, and other persons in that State, to encourage maximum commercial lender participation within the State, and to conduct periodic visits to at least the major eligible lenders within the State,

"(ii) Agrees that its insurance will not be denied any student because of his choice of eligible institutions or the student's lack of need, and

"(iii) Certifies that it is neither an institution, nor has any substantial affiliation with an institution.

"EFFECTS OF ADEQUATE NON-FEDERAL PROGRAMS

"SEC. 423. (a) Except as provided in subsections (b) and (c), the Commissioner shall not issue certificates of insurance under section 429 to lenders in a State if he determines that every eligible institution has reasonable access in that State to a State or private nonprofit student loan insurance program which is covered by an agreement under section 428(b).

"(b) The Commissioner may issue certificate of insurance under section 420 to a lender in a State—

"(1) For insurance of a loan made to a student borrower who does not, by reason of his residence, have access to loan insurance under the loan insurance program of such State (or under any private nonprofit loan insurance program which has received an advance under section 422 for the benefit of students in such State), or

"(2) For insurance of all of the loans made to student borrowers by a lender who satisfies the Commissioner that, by reason of the residence of such borrowers, such lender will not have access to any single State or nonprofit private loan insurance program which will insure substantially all of the loans such lender intends to make to such student borrowers.

"(c) The Commissioner shall not deny, because of any provision of this section, a certificate of insurance under section 429 to any eligible lender which is an eligible institution if such lender has previously executed an agreement with the Commissioner pursuant to section 433 of this part, unless the Commissioner determines, based upon studies and surveys satisfactory to him, that access to a loan by all eligible students who make an active and diligent effort to obtain a loan under this part will be otherwise available. In order to carry out the provisions of the preceding sentence the Commissioner shall periodically assess the availability of loans to eligible students through studies and surveys undertaken by him and through review of properly conducted studies and surveys made available to him.

"SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM

"SEC. 424. (a) The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 435) to students covered by Federal loan insurance under this part shall not exceed $1,400,000,000 for the fiscal year ending June 30, 1972, $1,600,000,000 for the fiscal year ending June 30, 1973, $1,800,000,000 for the fiscal year ending June 30, 1974, $2,000,000,000 for each of the fiscal years ending June 30, 1975, and 1976, and $2,000,000,000 for the period from July 1, 1976, to September 30, 1976, and for reach of the succeeding fiscal years ending prior to October 1, 1981. Thereafter, Federal loan insurance pursuant to this part may be granted only for loans made (or for loan installments paid pursuant to lines of credit) to enable students, who have obtained prior loans insured under this part, to continue or complete their educational program; but no insurance may be granted for any loan made or installment paid after September 30, 1985.

"(b) The Commissioner may, if he finds it necessary to do so in order to assure an equitable distribution of the benefits of this part, assign, within the maximum amounts specified in subsection (a), Federal loan insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

"LIMITATIONS ON INDIVIDUAL FEDERALLY INSURED LOANS AND ON FEDERAL LOAN INSURANCE

"SEC. 425. (a)(1) The total of loans made to a student in any academic year or its equivalent (as determined by the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $2,500 in the case of a student who has not successfully completed a program of undergraduate education, or $5,000 in the case of a graduate or professional student (as defined in regulations of the Commissioner), except—

"(A) that in the case of a loan to a student who is or will be in his first year of a program of undergraduate education, and who has not previously enrolled in such a program which is made by an eligible lender as described in section 435(g)(1)(D) or which is made or originated (as defined in section 433(b)) by an eligible institution, the loan may not exceed the lesser of $2,500 or 50 per centum of the estimated cost of at-

tendance (calculated in accordance with the provisions of section 428(a)(2)(C)(i)),

"(B) that in the case of a loan made or originated (defined in section 433(b) by an eligible institution which is made to a student for his first academic year of postsecondary education, the loan may exceed $1,500 only if it is to be disbursed in two or more installments none of which exceeds one-half of the loan, with the interval between the first and second of such installments being not less than one-third of the period of enrollment for which the student received the loan, and

"(C) in cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high cost of education.

The annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit.

"(2) The aggregate insured unpaid principal amount for all such insured loans made to any student shall not at any time exceed $7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part, or by a State or nonprofit institution or organization with which the Commissioner has an agreement under section 428(b), made to such person before he became a graduate or professional student).

"(b)(1)(A) Except as provided in subparagraph (B), the insurance liability on any loan insured by the Commissioner under this part shall be 100 per centum of the unpaid balance of the principal amount of the loan plus interest, except that—

"(i) if, for any fiscal year, the total amount of payments under section 430 by the Commissioner to any eligible lender as described in section 435(g)(1)(D) exceeds 5 per centum of the sum of the loans made by such lender which are insured by the Commissioner and which were in repayment at the end of the preceding fiscal year, the insurance liability under this subsection for that portion of such excess which represents loans insured after the applicable date with respect to such loans, as determined under subparagraph (C), shall be equal to 90 per centum of the amount of such portion;

"(ii) if, for any fiscal year, the total amount of such payments to such a lender exceeds 9 per centum of such sum, the insurance liability under this subsection for that portion of such excess which represents loans insured after the applicable date with respect to such loans, as determined under subparagraph (c), shall be equal to 80 per centum of the amount of such portion.

"(B) Notwithstanding subparagraph (A), the provisions of clauses (i) and (ii) shall not apply to any eligible lender as described in section 435(g)(1)(D) for the fiscal year in which such lender begins to carry on a loan program insured by the Commissioner, or for any of the four succeeding fiscal years.

"(C) The applicable date with respect to a loan made by an eligible lender as described in section 435(g)(1)(D) shall be—

"(i) the 90th day after the adjournment of the next regular session of the appropriate State legislature which convenes after the date of enactment of the Education Amendments of 1976, or

"(ii) if the primary source of lending capital for such lender is derived from the sale of bonds, and the constitution of the appropriate State prohibits a pledge of such State's credit as security against such bonds, the day which is one year after such 90th day.

"(2) For the purposes of this subsection, the sum of the loans made by a lender which are insured by the Commissioner and which are in repayment shall be the original principal amount of loans made by such lender which are insured by the Commissioner reduced by (A) the amount the Commissioner has been required to pay to discharge his insurance obligations under this part, (B) the original principal amount of loans insured by the Commissioner which have been fully repaid, (C) the original principal amount insured on those loans for which payment of first installment of principal has not become due pursuant to section 427(a)(2)(B) or such first installment need not be paid pursuant to section 427(a)(2)(C), and (D) the original principal amount of loans repaid by the Commissioner under section 437.

"(3) For the purposes of this subsection, payments by the Commissioner under section 430 to an assignee of the lender with respect to a loan shall be deemed payments made to such lender.

"(4) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part."

"SOURCES OF FUNDS

"SEC. 426. Loans made by eligible lenders in accordance with this part shall be insurable by the Commissioner whether made from funds fully owned by the lender or from funds held by the lender in a trust or similar capacity and available for such loans.

"ELIGIBILITY OF STUDENT BORROWERS AND TERMS OF FEDERALLY INSURED STUDENT LOANS

"SEC. 427. (a) A loan by an eligible lender shall be insurable by the Commissioner under the provisions of this part only if—

"(1) made to a student who (A) has been accepted for enrollment at an eligible institution or, in the case of a student already attending such institution, is in good standing there as determined by the institution, (B) is carrying at least one-half of the normal fulltime workload as determined by the institution, and (C) has agreed to notify promptly the holder of the loan concerning any change of address; and

"(2) evidenced by a note or other written agreement which—

"(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under the applicable law, create a binding obligation, endorsement may be required.

"(B) provides for repayment (except as provided in subsection (c)) of the principal amount of the loan in installments over a period of not less than five years (unless sooner repaid or unless the student, during the nine- to twelve-month period preceding the start of the repayment period, specifically requests that repayment be made over a shorter period) nor more than ten years beginning not earlier than nine months nor later than one year after the date on which the student ceases to carry at an eligible institution at least one-half the normal fulltime academic workload as determined by the institution, except—

"(i) as provided in clause (C) below,

"(ii) that the period of the loan may not exceed fifteen years from the execution of the note or written agreement evidencing it,

(iii) that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the cost of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Commissioner in effect at the time the loan is made, and

"(iv) that the lender and the student, after the student ceases to carry at an eligible institution at least one-half the normal fulltime academic workload as determined by the institution, may agree to a repayment schedule which begins earlier, or is of shorter duration, than required by this subparagraph, except that in the event a student has requested and obtained a repayment period of less than five years, he may at any time prior to the total repayment of the loan, have the repayment period extended so that the total repayment period is not less than five years,

"(C) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (i) during which the borrower is pursuing a fulltime course of study at an 'eligible institution' or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner, (ii) is not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, (iv) not in excess of three years during which the borrower is in service as a full-time volunteer under the Domestic Volunteer Service Act of 1973, or (v) during a single period not in excess of twelve months, at the request of the borrower, during which the borrower is seeking and unable to find full-time employment, and any such period shall not be included in determining the ten-year period or the fifteen-year period provided in clause (B) above,

"(D) provides for interest on the unpaid principal balance of the loan at a yearly rate, not exceeding the applicable maximum rate prescribed and defined by the Secretary (within the limits set forth in subsection (b)) on a national, regional, or other appropriate basis, which interest shall be payable in installments over the period of the loan except that, if provided in the note or other written agreement, any interest payable by the student may be deferred until not later than the date upon which repayment of the first installment of principal falls due, in which case interest that has so accrued during that period may be added on that date to the principal,

"(E) provides that the lender will not collect or attempt to collect from the borrower any portion of the interest on the note which is payable by the Commissioner under this part, and that the lender will enter into such agreements with the Commissioner as may be necessary for the purposes of section 437,

"(F) entitles the student borrower to accelerate without penalty repayment of the whole or any part of the loan,

"(G) provides that, in the case of each loan insured by the program, the eligible institution attended by the borrower at the time of the loan will be notified of such insurance and the name of the lender making the loan, and such notification will be made either by (i) the prompt transmittal of such information to the institution by the insurer or the lender, or (ii) a requirement of the insurer, as a condition of its insurance, that the lender shall transmit any checks for the proceeds of such loan directly to the eligible institution for delivery to the borrower;

"'(H) the funds borrowed by a student are disbursed by check payable to the order and requiring the endorsement of such student, and

"(I) contains such other terms and conditions, consistent with the provisions of this part and with the regulations issued by the Commissioner pursuant to this part, as

may be agreed upon by the parties to such loan, including, if agreed upon, a provision requiring the borrower to pay the lender, in addition to principal and interest, amounts equal to the insurance premiums payable by the lender to the Commissioner with respect to such loan.

"(b) No maximum rate of interest prescribed and defined by the Secretary for the purposes of clause (2)(D) of subsection (a) may exceed 7 per centum per annum on the unpaid principal balance of the loan.

"(c) The total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this part shall not unless the borrower and the lender otherwise agree, be less than $360 or the balance of all of such loans (together with interest thereon), whichever amount is less, except that in the case of a husband and wife, both of whom have such loans outstanding, the total of the combined payments for such a couple during any year shall not be less than $360 or the balance of all such loans, whichever is less.

"FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS

"SEC. 428. (a)(1) Each student who has received a loan for study at an eligible institution—

"(A) which is insured by the Commissioner under this part;

"(B) which was made under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (5); or

"(C) which is insured under a program of a State or of a nonprofit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (5), and which—

"(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagarph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1) at an eligible institution, or

"(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b),

shall be entitled to have paid on his behalf and for his account to the holder of the loan a portion of the interest on such loan under circumstances described in paragraph (2).

"(2)(A) Each student qualifying for a portion of an interest payment under paragraph (1) shall—

"(i) have provided to the lender a statement from the eligible institution, at which the student has been accepted for enrollment, or at which he is in attendance in good standing (as determined by such institution), which—

"(I) sets forth such student's estimated costs of attendance and

"(II) sets forth such student's estimated financial assistance; and

"(ii) meet the requirements of subparagraph (B).

"(B) For the purposes of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if such student's adjusted family income at the time of execution of the note or written agreement evidencing such loan—

"(i) is less than $25,000; or

"(ii) is equal to or greater than $25,000 and the eligible institution has provided the lender with a statement evidencing a determination of need and recommending a loan in the amount of such need.

"(C) For the purposes of paragraph (1) and this paragraph—

"(i) a student's estimated cost of attendance means, for the period for which the loan is sought, the tuition and fees applicable to such student together with the institution's estimate of other expenses reasonably related to attendance at such institution, including, but not limited to, the cost of room and board, reasonable commuting costs, and costs for books;

"(ii) a student's estimated financial assistance means, for the period for which the loan is sought, the amount of assistance such student will receive under parts A, C, and E of this title, plus other scholarship, grant, or loan assistance;

"(iii) the term 'eligible institution' when used with respect to a student is the eligible institution at which the student has been accepted for enrollment or, in the case of a student who is in attendance at such an institution, at which the student is in good standing (as determined by such institution);

"(iv) the determination of need and the amount of a loan recommended by an eligible institution under subparagraph (B)(ii) with respect to a student shall be determined by subtracting from the estimated cost of attendance at such institution the toal of he expected family contribution with respect to such student (as determined by means other than one formulated by the Commissioner under subpart 1 of part A of this title) plus any other resources or student financial assistance reasonably available to such student.

"(D) For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate. In the absence of fraud by the lender, such determination of the need of a student under this paragraph shall be final insofar as it concerns the obligation of the Commissioner to pay the holder of a loan a portion of the interest on the loan.

"(3)(A) Except as provided in paragraph (8), the portion of the interest on a loan which a student is entitled to have paid on his behalf and for his account to the holder of the loan pursuant to paragraph (1) of this subsection shall be equal to the total amount of the interest on the unpaid principal amount of the loan which accrues prior to the beginning of the repayment period of the loan, or which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in subsection (b)(1)(M) of this section or in section 427(a)(2)(C); but, except as provided in paragraph (8) of this subsection, such portion of the interest on a loan shall not exceed, for any period, the amount of the interest on that loan which is payable by the student after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his behalf for that period under any State or private loan insurance program. The holder of a loan with respect to which payments are required to be made under this section shall be deemed to have a contractual right, as against the United States, to receive from the Commissioner the portion of interest which has been so determined. The Commissioner shall pay this portion of the interest to the holder of the loan on behalf of and for the account of the borrower at such times as may be specified in regulations in force when the applicable agreement entered into pursuant to subsection (b) was made, or, if the loan was made by a State or is insured under a program which is not covered by such an agreement, at such times as may be specified in regulations in force at the time the loan was paid to the student.

"(B) If (i) a State student loan insurance program is covered by an agreement under subsection (b), (ii) a statute of such State limits the interest rate on loans insured by such program to a rate which is less than 7 per centum per annum on the unpaid principal balance, and (iii) the Commissioner determines that section 428(d) does not make such statutory limitation inapplicable and that such statutory limitation threatens to impede the carrying out of the purposes of this part, then he may pay and administrative cost allowance to the holder of each loan which is insured under such program and which is made during the period beginning on the sixtieth day after the date of enactment of the Higher Education Amendments of 1968 and ending 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969. Such administrative cost allowance shall be paid over the term of the loan in an amount per annum (determined by the Commissioner) which shall not exceed 1 per centum of the unpaid principal balance of the loan.

"(4) Each holder of a loan with respect to which payments of interest are required to be made by the Commissioner shall submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan.

"(5) The period referred to in subparagraphs (B) and (C) of paragraph (1) of this subsection shall begin on the date of enactment of this Act and end at the close of September 30, 1981, except that, in the case of a loan made or insured under a student loan or loan insurance program to enable a student who has obtained a prior loan made or insured under such program to continue his educational program, such period shall end at the close of September 30, 1985.

"(6) No payment may be made under this section with respect to the interest on a loan made from a student loan fund established under title II of the National Defense Education Act of 1958 or part E of this title.

"(7) Nothing in this or any other Act shall be construed to prohibit or require, unless otherwise specifically provided by law, a lender to evaluate the total financial situation of a student making application for a loan under this part, or to counsel a student with respect to any such loan, or to make a decision based on such evaluation and counseling with respect to the dollar amount of any such loan.

"(8)(A) In the case of any eligible lender (other than an eligible institution or an agency or instrumentality of a State), which is approved by the Commissioner pursuant to subparagraph (B) of this paragraph for the purpose of authorizing multiple disbursements and which enters into a binding agreement with a student to make a loan—

"(i) for which the student is entitled to have a portion of the interest paid on his behalf under this section, and

"(ii) the proceeds of which loan are to be paid to the student in multiple disbursements over the period of enrollment for which the loan is made, but not to exceed twelve months,

the amount of the interest payment and the amount of any special allowance payment to be paid under section 438 shall be determined as if the entire amount to be made available for that period of enrollment had been disbursed on the date on which the first installment thereof was disbursed, and any increase in the rate of interest on the loan attributable to such multiple disbursements shall not be deemed to violate any provision of this part relating to the maximum rate of interest on such loan. The provisions of this paragraph shall apply only in the case of loans paid in multiple disbursements, in accordance with regulations of the Commissioner, based on the need of the student for the proceeds of such loan over the course of the academic year.

"(B) The Commissioner may approve an eligible lender for the purposes of this paragraph if he determines—

"(i) that such lender is making or will be making a substantial volume of loans on which an interest subsidy is payable under this section, and

"(ii) that such lender has sufficient experience and administrative capability in processing such loans to enable the lender to make such multiple disbursements in accordance with regulations issued by the Commissioner under this subparagraph.

"(9) With respect to any loan for which a portion of the interest is payable under this section, in the case of a student attending an eligible institution which is located in other than a State, the determinations to be made (except determinations of good standing) and the statement to be provided by such institution under paragraph (2)(A)(i) and (2)(B)(ii) of this subsection shall be made and provided by (A) the Commissioner in the case of a loan described by paragraph (1)(A), (B) the State in the case of a loan described by paragraph (1)(B), or (C) the State or a nonprofit private institution or organization as the case may be, in the case of a loan described by paragraph (1)(C).

"(b)(1) Any State or any nonprofit private institution or organization may enter into an agreement with the Commissioner for the purpose of entitling students who receive loans which are insured under a student loan insurance program of that State, institution, or organization to have made on their behalf the payments provided for in subsection (a) if the Commissioner determines that the student loan insurance program—

"(A) authorizes the insurance of not less than $1,000 nor more than $2,500 in the case of a student who has not successfully completed a program of undergraduate education, or $5,000 in the case of a graduate or professional student (as defined in regulations of the Commissioner), except—

"(i) that the program may not authorize the insurance of a loan which is made by an eligible lender as described in section 435(g)(1)(D) or which is made or originated (as defined in section 433(b)) by an eligible institution to a student who has not successfully completed a program of undergraduate education in an amount in excess of $2,500 or 50 per centum of the estimated cost of attendance (calculated in accordance with section 428(a)(2)(C)(i)),

"(ii) that the program may not authorize the insurance of a loan in excess of $1,500 for an academic year which is made or originated (as defined in section 433(b)) by an eligible institution, and is made to a student for his first academic year of postsecondary education, unless the loan is to be disbursed in two or more installments, none of which exceeds one-half of the loan, with the interval between the first and second of such installments being not less than one-third of the period of enrollment for which the student received the loan, and

"(iii) in cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education,

but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit;

"(B) provides that the aggregate insured unpaid principal amount for all such insured loans made to any student shall not at any time exceed $7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part, or by a State or nonprofit institution or organization with which the Commissioner has an agreement under section 428(b), made to such person before he became a graduate or professional student);

"(C) authorizes the insurance of loans to any individual student for at least six academic years of study or their equivalent (as determined under regulations of the Commissioner);

"(D) provides that (i) the student borrower shall be entitled to accelerate without penalty the whole or any part of an insured loan, (ii) except as provided in subparagraph (M) of this paragraph, the period of any insured loan may not exceed fifteen years from the date of execution of the note or other written evidence of the loan, and (iii) the note or other written evidence of any loan, may contain such provisions relating to repayment in the event of default by the borrower as may be authorized by regulations of the Commissioner in effect at the time such note or written evidence was executed;

"(E) subject to subparagraphs (D) and (L) of this paragraph and except as provided by subparagraph (M) of this paragraph, provides that repayment of loans shall be in installments over a period of not less than five years (unless the student, during the nine- to twelve-month period preceding the start of the repayment period, specifically requests that repayment be made over a shorter period) nor more than ten years beginning not earlier than nine months nor later than one year after the student ceases to pursue a full-time course of study at an eligible institution, except—

"(i) that, if the program provides for the insurance of loans for part-time study at eligible institutions, the program shall provide that such repayment period shall begin not earlier than nine months nor later than one year after the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution;

"(ii) that the lender and the student, after the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload, as determined by the institution, may agree to a repayment schedule which begins earlier, or is of shorter duration, than required by this subparagraph, except that in the event a student has requested and obtained a repayment period of less than five years, he may at any time prior to the total repayment of the loan have the repayment period extended so that the total repayment period is not less than five years;

"(F) authorizes interest on the unpaid balance of the loan at a yearly rate not in excess of 7 per centum per annum on the unpaid principal balance of the loan (exclusive of any premium for insurance which may be passed on to the borrower;

"(G) insures not less than 80 per centum of the unpaid principal of loans insured under the program;

"(H) does not provide for collection of an excessive insurance premium;

"(I) provides that the benefits of the loan insurance program will not be denied any student who is eligible for interest benefits under section 428(a)(1) and (2) except in the case of loans made by an instrumentality of a State or eligible institution;

"(J) provides that a student may obtain insurance under the program for a loan for any year of study at an eligible institution;

"(K) in the case of a State program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under supervision of a single State agency;

"(L) provides that the total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this part shall not be less than $360 or the balance of all such loans (together with interest thereon), whichever amount is less, unless the borrower and the lender otherwise agree, except that, in the case of a husband and wife, both of whom have such loans outstanding, the total of the combined payments for such a couple during any year shall not be less than $360 or the balance of all such loans, whichever is less;

"(M) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (i) during which the borrower is pursuing a full-time course of study at an eligible institution, or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner, (ii) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, (iv) not in excess of three years during which the borrower is in service as a full-time volunteer under the Domestic Volunteer Service Act of 1973, or (v) during a single period, not in excess of twelve months, at the request of the borrower, during which the borrower is seeking and unable to find full-time employment;

"(N) provides that in the case of each loan insured by the program that the eligible institution attended by the borrower at the time of the loan will be notified of such insurance and the name of the lender making the loan, and such notification will be made either by (i) the prompt transmittal of such information to the institution by the insurer or the lender, or (ii) a requirement of the insurer, as a condition of its insurance, that the lender shall transmit any checks for the proceeds of such loan directly to the eligible institution for delivery to the borrower;

"(O) provides that funds borrowed by a student are disbursed by check payable to the order and requiring the endorsement of such student;

"(P) provides that the borrower shall, within four months after ceasing to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution, contact the holder of his loan to negotiate the terms of his repayment obligations, and

"(Q) requires the borrower to promptly notify the holder of the loan concerning any change of address.

"(2) Such an agreement shall—

"(A) provide that the holder of any such loan will be required to submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan;

"(B) include such other provisions as may be necessary to protect the financial interests of the United States and promote the purposes of this part, including such provisions as may be necessary for the purpose of section 437, and as are agreed to by the Commissioner and the State or nonprofit private organization or institution, as the case may be; and

"(C) provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his function under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(c)(1)(A) The Commissioner may enter into a guaranty agreement with any State or any nonprofit private institution or organization with which he has an agreement pursuant to subsection (b), whereby the Commissioner shall undertake to reimburse it, under such terms and conditions as he may establish, with respect to losses (resulting from the default of the student borrower) on the unpaid balance of the principal and accrued interest of any insured loan with respect to which a portion of the interest is payable by the Commissioner under subsection (a), or would be payable under such subsection but for the borrower's lack of need. Except as provided in subparagraph (B) of this paragraph and in paragraph (7), the amount to be paid a State or nonprofit private institution or organization as reimbursement under this subsection shall be equal to 80 per centum of the amount expended by it in discharge of its insurance obligation incurred under its loan insurance program.

"(B) Any State or any nonprofit private institution or organization which has entered into a supplementary agreement under section 428A of this Act whereby the Commissioner agrees to reimburse the State or nonprofit private institution or organization, under such terms and conditions as he may establish, with respect to losses (resulting from the default of the student borrower) on the unpaid balance of the principal and accrued interest of any such insured loan in an amount equal to 100 per centum of the amount expended by it in the discharge of its insurance obligation incurred under its loan insurance program, except that—

"(i) if, for any fiscal year, the amount of such reimbursement payments by the Commissioner under this subsection exceeds 5 per centum of the loans which are insured by such institution or organization under such program and which were in repayment at the end of the preceding fiscal year, the amount to be paid as reimbursement under this subsection for such excess shall be equal to 90 per centum of the amount of such excess; and

"(ii) if, for any fiscal year, the amount of such reimbursement payments, exceeds 9 per centum of such loans, the amount to be paid as reimbursement under this subsection for such excess shall be equal to 80 per centum of the amount of such excess.

"(C) For purposes of this subsection, the amount of loans of a State or nonprofit institution or organization which are in repayment shall be the original principal amount of loans insured by it reduced by (i) the amount the insurer has been required to pay to discharge its insurance obligtaions under this part, (ii) the original principal amount of loans insured by it which have been fully repaid, (iii) the original principal amount insured on those loans for which payment of the first installment of principal has not become due pursuant to section 428(b)(1)(E) or such first installment need not be paid pursuant to section 428(b)(1)(M), and (iv) the original principal amount of loans repaid by the Commissioner under section 437.

"(2) The guaranty agreement—

"(A) shall set forth such administrative and fiscal procedures as may be necessary to protect the United States from the risk of unreasonable loss thereunder, to insure proper and efficient administration of the loan insurance program, and to assure that due diligence will be exercised in the collection of loans insured under the program;

"(B) shall provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this subsection, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(C) shall set forth adequate assurance that, with respect to so much of any loan insured under the loan insurance program as may be guaranteed by the Commissioner pursuant to this subsection, the undertaking of the Commissioner under the guaranty agreement is acceptable in full satisfaction of State law or regulation requiring the maintenance of a reserve;

"(D) shall provide that if, after the Commissioner has made payment under the guaranty agreement pursuant to paragraph (1) of this subsection with respect to any loan, any payments are made in discharge of the obligation incurred by the borrower with respect to such loan (including any payments of interest accruing on such loan after such payment by the Commissioner), there shall be paid over to the Commissioner (for deposit in the fund established by section 431) such proportion of the amounts of such payments as is determined (in accordance with paragraph (6)) to represent his equitable share thereof, but shall not otherwise provide for subrogation of the United States to rights of any insurance beneficiary: Provided, That, except as the Commissioner may otherwise by or pursuant to regulation provide, amounts so paid by a borrower on such a loan shall be first applied in reduction of principal owing on such loan;

"(E) shall set forth adequate assurance that an amount equal to each payment made under paragraph (1) will be promptly deposited in or credited to the accounts maintained for purposes of section 422(c); and

"(F) may include such other provisions as may be necessary to promote the purposes of this part.

"(3) To the extent provided in regulations of the Commissioner, a guaranty agreement under this subsection may contain provisions which permit such forebearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer.

"(4) For purposes of this subsection, the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e).

"(5) In the case of any guaranty agreement entered into prior to September 1, 1969, with a State or nonprofit private institution or organization with which the Commissioner has in effect on that date an agreement pursuant to subsection (b) of this section, or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, made prior to the date of enactment of this subsection, the Commissioner may, in accordance with the terms of this subsection, undertake to guarantee loans described in paragraph (1) which are insured by such State, institution, or organization and are outstanding on the date of execution of the guaranty agreement, but only with respect to defaults occurring after the execution of such guaranty agreement or, if later, after its effective date.

"(6)(A) For the purpose of paragraph (2)(D) the Commissioner's equitable share of payments made by the borrower pursuant to such paragraph shall be that portion of the payments remaining after the State or the nonprofit private institution or organization with which the Commissioner has an agreement under this subsection has deducted from such payments (i) a percentage amount equal to the complement of the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan and (ii) an amount equal to the administrative costs of collection of the loan and the administrative costs of preclaims assistance for default prevention (as such terms are defined in subparagraph (B) of this subsection) reimbursed pursuant to subsection (f), to the extent such costs do not exceed 30 per centum of such payments.

"(B) For the purpose of this paragraph, the term—

"(i) 'administrative costs of collection of the loan' means any administrative costs incurred by a guaranty agency which are directly related to the collection of the loan on which a default claim has been paid to the participating lender, including the attributable compensation of collection personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), attorney's fees, fees paid to collection agencies, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable and

"(ii) 'administrative costs of preclaim assistance for default prevention' means any administrative costs incurred by a guaranty agency which are directly related to providing collection assistance to the lender on a delinquent loan, prior to the loan's being legally in a default status, including the attributable compensation of appropriate personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), fees paid to locate a missing borrower, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable,

subject to such additional criteria as the Commissioner may by regulation prescribe.

"(7)(A) Notwithstanding paragraph (1)(B), the amount to be paid a State or a nonprofit private institution or organization for any fiscal year—

"(i) which begins on or after the effective date of this paragraph; and

"(ii) which is either the fiscal year in which such State, institution, or organization begins to actively carry on a student loan insurance program which is subject to a guarantee agreement under this subsection, or is one of the four succeeding fiscal years, shall be 100 per centum of the amount expended by such State, organization, or institution in discharge of its insurance obligation insured under such program.

"(B) The Commissioner shall continuously monitor the operations of those States and nonprofit private institutions or organizations to which the provisions of subparagraph (A) are applicable and revoke the application of such subparagraph to any such State or nonprofit private institution or organization which he determines has not ex-

ercised reasonable prudence in the administration of such program.

"(d) No provision of any law of the United States (other than sections 427(a)(2)(D) and 427(b) of this Act) or of any State (other than a statute applicable principally to such State's sudent loan insurance program) which limits the rate or amount of interest payable on loans shall apply to a loan—

"(1) which bears interest (exclusive of any premium for insurance) on the unpaid balance at a rate not in excess of 7 per centum per annum, and

"(2) which is insured (A) by the United States under this part, or (B) by a State or nonprofit private institution or organization under a program covered by an agreement made pursuant to subsection (b) of this section.

"(e)(1) Each eligible institution shall be eligible to receive from the Commissioner the payment of $10 per academic year for each student enrolled in that institution who is in receipt of a loan described in paragraph (1) of subsection (a) of this section, for that year. Payments received by an institution under this subsection shall be used first by the institution to carry out the provisions of section 493A of this Act and then for such additional administrative costs as that institution determines necessary.

"(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. If the sums appropriated for any fiscal year for making payments under this subsection are not sufficient to pay in full the amounts provided for in paragraph (1), then such amount will be ratably reduced. In case additional funds become available for making payments for any fiscal year during which the preceding sentence has been applied, such reduced amounts shall be increased on the same basis as they were reduced.

"(f)(1)(A) The Commissioner is authorized to make payments in accordance with the provisions of this paragraph to any State or any nonprofit private institution or organization with which he has an agreement under subsection (b) of this section, for the purposes of—

"(i) the administrative costs of promotion of commercial lender participation;

"(ii) the administrative costs of collection of loans;

"(iii) the administrative costs of preclaims assistance for default prevention; or

"(iv) other such costs related to the student loan insurance program subject to such agreement.

The total amount of payments for any fiscal year made under this paragraph shall not exceed one-half of 1 per centum of the total principal amount of the loans upon which insurance was issued under this part during such fiscal year by such State, or institution or organization. If the sums appropriated for any fiscal year for making payments under this paragraph are not sufficient to pay in full the amounts provided for which such States, institutions, and organizations are eligible, then such amount will be ratably reduced. In case additional funds become available for making payments for any fiscal year during which the preceding sentence has been applied, such reduced amounts shall be increased on the same basis as they were reduced.

"(B) Each State or nonprofit private institution or organization to which subparagraph (A) of this paragraph applies shall spend not less than ¼ of the payments received pursuant to this paragraph on the purposes described in clause (i) of subparagraph (A), not less than ½ of such payments on the purposes described in clauses (ii) and (iii) of subparagraph (A), and the remaining amount of such payments on the purpose described in clause (iv) of such subparagraph.

"(2)(A) The Commissioner is authorized to make payments in accordance with the provisions of this paragraph to any State or any nonprofit private institution or organization with which he has a supplemental guaranty agreement under section 428A(a)(2) of this Act for the purposes of—

"(i) the administrative costs of promotion of commercial lender participation;

"(ii) the administrative costs of collection of loans;

"(iii) the administrative costs of preclaims assistance for default prevention; or

"(iv) other such costs related to the student loan insurance program subject to such agreement.

The total amount of payments for any fiscal year made under this paragraph shall not exceed an additional one-half of 1 per centum of the total principal amount of the loans upon which insurance was issued under this part during such fiscal year by such State, or institution or organization. If the sums appropriated for any fiscal year for making payments under this paragraph are not sufficient to pay in full the amounts provided for which such States, institutions, and organizations are eligible, then such amount will be ratably reduced. In case additional funds become available for making payments for any fiscal year during which the preceding sentence has been applied, such reduced amounts shall be increased on the same basis as they were reduced.

"(B) The provisions of subparagraph (B) of paragraph (1) shall apply to any payments made under subparagraph (A) of this paragraph.

"(3) For the purpose of this subsection, the term—

"(A) 'administrative costs of promotion of commercial lender participation' means any administrative costs incurred by an insurer which are directly related to supervising, training, or informing eligible lenders or prospective eligible lenders or inducing such lenders to improve or expand their program participation, and such costs may include (i) the costs of planning and executing instructional seminars and the costs of attending other meetings with lenders, (ii) the costs of obtaining or producing instructional or promotional materials or equipment for distribution to, or use with, lenders, (iii) postage costs associated with the distribution of instructional or promotional materials to lenders, (iv) an appropriate share of the costs of establishing branch offices to serve the needs of lenders which are geographically distant from such insurer's primary business location, and (v) an appropriate share of the compensation of personnel whose primary responsibility is the training, supervising, or recruiting of lenders, but not including personnel whose primary responsibilities are the performing or supervising such duties as relate to the routine processing of borrower applications for loans or the maintenance of supporting records but in no case shall any such costs include any overhead expenses of such insurer associated with the insurer's primary business location.

"(B) 'administrative costs of collection of loans' means any administrative costs incurred by a guaranty agency which are directly related to the collection of loans on which default claims have been paid to participating lenders, including the compensation of collection personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to collection activities), attorney's fees, fees paid to collection agencies, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency, and

"(C) 'administrative costs of preclaim assistance for default prevention' means any administrative costs incurred by a guaranty agency which are directly related to providing collection assistance to lenders on delinquent loans, prior to the loans being legally in a default status, including the compensation of appropriate personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to collection activities) fees paid to locate missing borrowers, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency, subject to such additional criteria as the Commissioner may by regulation prescribe.

"(4)(A) No payment may be made under paragraph (1) of this subsection unless the State or the nonprofit private institution or organization submits to the Commissioner an application at such time, at least annually, in such manner, and containing or accompanied by such information, as the Commissioner may reasonably require. Each such application shall—

"(i) contain provisions designed to demonstrate the capability of carrying out a necessary and successful program of collection of and preclaim assistance for the loan program subject to that agreement;

"(ii) set forth an estimate of the costs which are eligible for payment under the provisions of this subsection;

"(iii) provide for such administrative and fiscal procedures, including an audit, as are necessary to carry out the provisions of this subsection; and

"(iv) set forth assurances that the State or the nonprofit private institution or organization will furnish such data and information, including where necessary estimates, as the Commissioner may reasonably require to carry out the provisions of this subsection.

"(B) No payment may be made under paragraph (2) of this subsection unless the State or the nonprofit private institution or organization submits to the Commissioner an application, at such time, at least annually, in such manner, and containing or accompanied by such information as the Commissioner may reasonably require. Each such application shall—

"(i) set forth assurances that the student loan insurance program subject to the supplemental guaranty agreement complies with clauses (A) through (F) of paragraph (2) of section 428A(a);

"(ii) contain provisions designed to demonstrate the capability of carrying out a necessary and successful program of collection of and preclaim assistance for the loan program subject to that agreement;

"(iii) set forth an estimate of the costs which are eligible for payment under the provisions of this subsection;

"(iv) provide for such administrative and fiscal procedures, including an audit, as are necessary to carry out the provisions of this subsection; and

"(v) set forth assurances that the State or the nonprofit private institution or organization will furnish such data and information, including where necessary estimates, as the Commissioner may reasonably require to carry out the provisions of this subsection.

"(g) If a nonprofit private institution or organization (1) applies to enter into an agreement with the Commissioner under subsections (b) and (c) with respect to a student loan insurance program to be carried on in a State with which the Commissioner does not have an agreement under subsection (b), and (2) as provided in the application, undertakes to meet the requirements of section 422(c)(6)(B)(i), (ii), and (iii), the Commissioner shall consider and act upon such application within 180 days,

and shall forthwith notify the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives of his actions.

"LOAN INSURANCE SUPPLEMENTAL GUARANTY AGREEMENT

"SEC. 428A. (a)(1) The Commissioner may enter into a supplemental guaranty agreement, annually, with any State or any nonprofit private institution or organization having a guaranty agreement under section 428(c)(1) whereby the Commisioner shall undertake to reimburse the State or nonprofit private institution or organization, under such terms and conditions as he may establish, in an amount determined in accordance with section 428(c)(1)(B), if the Commissioner determines that the student loan insurance program—

"(A) authorizes the insurance of loans in any amount up to a maximum of $2,500 (in the case of a student who has not successfully completed a program of undergraduate education) or $5,000 (in the case of a graduate or professional student) to any individual student in any academic year or its equivalent (as determined under regulations of the Commissioner), which limit shall not be deemed exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any such year in excess of such annual limit; and provides that the aggregate insured unpaid principal amount of all such insured loans made to any student shall be any amount up to a maximum of $7,500 in the case of any student who has successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part, or by a State or nonprofit institution or organization with which the Commissioner has an agreement under this part, made to such person before he became a graduate or professional student);

"(B) insures not less than 100 per centum of the unpaid principal of the loans insured under the program, whether or not such loans are eligible for interest subsidies under this part;

"(C) provides for the insurance of loans for part-time study at an eligible institution in the same manner as is provided under the Federal student loan insurance program;

"(D) provides no restrictions with respect to the insurance of loans for students who are otherwise eligible for loans under such program if such a student is a legal resident of the State and if such a student is accepted for enrollment in or is attending an eligible institution outside that State;

"(E) provides no restrictions with respect to eligible institutions that are residential institutions which are more onerous than eligibility requirements for institutions under the Federal student loan insurance program, unless (i) that institution is ineligible under regulations for the limitation, suspension, or termination of eligible institutions under the Federal student loan insurance program or is ineligible pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility issued under the Federal student loan insurance program, or (II) there is a State constitutional prohibition affecting the eligibility of such an institution; and

"(F) provides (i) for the eligibility of the eligible institutions as lenders under reasonable criteria, unless (I) that eligible institution is eliminated as a lender under regulations for the limitation, suspension, or termination of eligible institutions under the Federal student loan insurance program or is eliminated as a lender pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility as a lender issued under the Federal student loan insurance program, or (II) there is a State constitutional prohibition affecting the eligibility of such an institution as a lender, and (ii) assurances that the State or nonprofit private institution or organization will report to the Commissioner not later than July 1, 1977, and annually thereafter, concerning such criteria, including any special requirements for the eligibility of such lenders, procedures in effect under such program to limit, suspend, or terminate such lenders, a list of applications of such lenders, a summary of actions taken on such applications, and a list of the names of all such lenders within the State.

"(2) The Commissioner may enter into a supplemental guaranty agreement, annually, with any State or any nonprofit private institution or organization having a guaranty agreement under section 428(c)(1) for the purpose of qualifying such State or nonprofit private institution or organization for payment of administrative cost allowances under section 428(f)(2) if the Commissioner determines that the student loan insurance program—

"(A) authorizes the insurance of loans in any amount up to a maximum of $2,500 (in the case of a student who has not successfully completed a program of undergraduate education) or $5,000 (in the case of a graduate or professional student) to any individual student in any academic year or its equivalent (as determined under regulations of the Commissioner), which limit shall not be deemed exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any such year in excess of such annual limit; and provides that the aggregate insured unpaid principal amount of all such insured loans made to any student shall be any amount up to a maximum of $7,500 in the case of any student who has successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part, or by a State or nonprofit institution or organization with which the Commissioner has an agreement under this part, made to such person before he became a graduate or professional student);

"(B) insures not less than 100 per centum of the unpaid principal of the loans insured under the program, whether or not such loans are eligible for interest subsidies under this part;

"(C) provides for the insurance of loans for parttime study at an eligible institution in the same manner as is provided under the Federal student loan insurance program;

"(D) provides no restrictions with respect to the insurance of loans for students who are otherwise eligible for loans under such program if such a student is a legal resident of the State, or if such a student is accepted for enrollment in or is attending an eligible institution within that State;

"(E) provides no restrictions with respect to eligible institutions that are residential institutions which are more onerous than eligibility requirements for eligible institutions under the Federal student loan insurance program, unless (i) that eligible institution is ineligible under regulations for the limitation, suspension, or termination of eligible institutions under the Federal student loan insurance program or is ineligible pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility issued under the Federal student loan insurance program, or (ii) there is a State constitutional prohibition affecting the eligibility of such an institution;

"(F) provides (i) for the eligibility of the eligible institutions as lenders under reasonable criteria, unless (I) that eligible institution is eliminated as a lender under regulations for the limitation, suspension, or termination of eligible institutions under the Federal student loan insurance program or is eliminated as a lender pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility as a lender issued under the Federal student loan insurance program, or (II) there is a State constitutional prohibition affecting the eligibility of such an institution as a lender, and (ii) assurances that the State or nonprofit private institution or organization will report to the Commissioner not later than July 1, 1977, and annually thereafter, concerning such criteria, including any special requirements for the eligibility of such lenders, procedures in effect under such program to limit, suspend, or terminate such lenders, a list of applications of such lenders, a summary of actions taken on such applications, and a list of the names of all such lenders within the State.

"(b) Each supplemental guaranty agreement entered into under subsection (a)—

"(1) shall set forth such administrative and fiscal procedures as may be necessary to protect the United States from the risk of unreasonable loss thereunder, to insure proper and efficient administration of the loan insurance program, and to insure that due diligence will be exercised in the collection of loans insured under the program;

"(2) shall set forth adequate assurance that the requirements of paragraph (1) or paragraph (2) of subsection (a) of this section, as the case may be, are met;

"(3) shall provide for the making of such reports, in such form, and containing such information as the Commissioner may reasonably require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(4) shall set forth adequate assurance that, with respect to so much of any loan insured under the loan insurance program as may be guaranteed by the Commissioner pursuant to subsection (a) of this section, the undertaking of the Commissioner under the supplemental guaranty agreement is acceptable in full satisfaction of State law or regulation requiring the maintenance of a reserve;

"(5) shall provide that if, after the Commissioner has made payment under the supplemental guaranty agreement pursuant to this section with respect to any loan, any payments are made in discharge of the obligation incurred by the borrower with respect to such loan (including any payments of interest accruing on such loan after such payment by the Commissioner), there shall be paid over to the Commissioner (for deposit in the fund established by section 431) such portion of the amount of such payments as is determined (in accordance with regulations prescribed by the Commissioner) to represent his equitable share thereof, but shall not otherwise provide for subrogation of the United States to the rights of any insurance beneficiary: *Provided*, That, except as the Commissioner may otherwise by or pursuant to regulation provide, amounts so paid by a borrower on such a loan shall be first applied in reduction of principal owing on such loan; and

"(6) may include such other provisions as may be necessary to promote the purposes of this part.

"(c)(1) To the extent provided in regulations of the Commissioner, a supplemental guaranty agreement under this section may contain provisions which permit such forbearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer.

"(2) For purposes of this section, the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e).

"CERTIFICATE OF FEDERAL LOAN INSURANCE—EFFECTIVE DATE OF INSURANCE

"SEC. 429. (a)(1) If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Commissioner may require, and otherwise in conformity with this section, the Commissioner finds that the applicant has made a loan to an eligible student which is insurable under the provisions of this part, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance.

"(2) Insurance evidenced by a certificate of insurance pursuant to subsection (a)(1) shall become effective upon the date of issuance of the certificate, except that the Commissioner is authorized, in accordance with regulations, to issue commitments with respect to proposed loans, or with respect to lines (or proposed lines) of credit, submitted by eligible lenders, and in that event, upon compliance with subsection (a)(1) by the lender, the certificate of insurance may be issued effective as of the date when any loan, or any payment by the lender pursuant to a line of credit, to be covered by such insurance was made. Such insurance shall cease to be effective upon sixty days' default by the lender in the payment of any installment of the premiums payable pursuant to subsection (c).

"(3) An application submitted pursuant to subsection (a)(1) shall contain (A) an agreement by the applicant to pay, in accordance with regulations, the premiums fixed by the Commissioner pursuant to subsection (c), and (B) an agreement by the applicant that if the loan is covered by insurance the applicant will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times, and containing such information as the Commissioner may prescribe by or pursuant to regulation.

"(b)(1) In lieu of requiring a separate insurance application and issuing a separate certificate of insurance for each student loan made by an eligible lender as provided in subsection (a), the Commissioner may, in accordance with regulations consistent with section 424, issue to any eligible lender applying therefor a certificate of comprehensive insurance coverage which shall, without further action by the Commissioner, insure all insurable loans made by that lender, on or after the date of the certificate and before a specified cutoff date, within the limits of an aggregate maximum amount stated in the certificate. Such regulations may provide for conditioning such insurance, with respect to any loan, upon compliance by the lender with such requirements (to be stated or incorporated by reference in the certificate) as in the Commissioner's judgment will best achieve the purpose of this subsection while protecting the financial interest of the United States and promoting the objectives of this part, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto to the Commissioner and as to the payment of initial and other premiums and the effect of default therein, and including provision for confirmation by the Commissioenr from time to time (through endorsement of the certificate) of the coverage of specific new loans by such certificate, which confirmation shall be incontestable by the Commissioner in the absence of fraud or misrepresentation of fact or patent error.

"(2) If the holder of a certificate of comprehensive insurance coverage issued under this subsection grants to a student a line of credit extending beyond the cutoff date specified in that certificate, loans or payments thereon made by the holder after that date pursuant to the line of credit shall not be deemed to be included in the coverage of that certificate except as may be specifically provided therein; but, subject to the limitations of section 424, the Commissioner may, in accordance with regulations, make commitments to insure such future loans or payments, and such commitments may be honored either as provided in subsection (a) or by inclusion of such insurance on comprehensive coverage under this subsection for the period or periods in which such future loans or payments are made.

"(c) The Commissioner shall, pursuant to regulations, charge for insurance on each loan under this part a premium in an amount not to exceed one-fourth of 1 per centum per year of the unpaid principal amount of such loan (excluding interest added to principal), payable in advance, at such times and in such manner as may be prescribed by the Commissioner. Such regulations may provide that such premium shall not be payable, or if paid shall be refundable, with respect to any period after default in the payment of principal or interest or after the borrower has died or becomes totally and permanently disabled, if (1) notice of such default or other event has been duly given, and (2) requests for payment of the loss insured against has been made or the Commissioner has made such payment on his own motion pursuant to section 430(a).

"(d) The rights of an eligible lender arising under insurance evidenced by a certificate of insurance issued to it under this section may be assigned as security by such lender only to another eligible lender, and subject to regulation by the Commissioner.

"(e) The consolidation of the obligations of two or more federally insured loans obtained by a student borrower in any fiscal year into a single obligation evidenced by a single instrument of indebtedness shall not affect the insurance by the United States. If the loans thus consolidated are covered by separate certificates of insurance issued under subsection (a), the Commissioner may upon surrender of the original certificates issue a new certificate of insurance in accordance with that subsection upon the consolidated obligation; if they are covered by a single comprehensive certificate issued under subsection (b), the Commissioner may amend that certificate accordingly.

"DEFAULT OF STUDENT UNDER FEDERAL LOAN INSURANCE PROGRAM

"SEC. 430. (a) Upon default by the student borrower on any loan covered by Federal loan insurance pursuant to this part, and prior to the commencement of suit or other enforcement proceedings upon security for that loan, the insurance beneficiary shall promptly notify the Commissioner, and the Commissioner shall if requested (at that time or after further collection efforts) by the beneficiary, or may on his own motion, if the insurance is still in effect, pay to the beneficiary the amount of the loss sustained by the insured upon that loan as soon as that amount has been determined. The 'amount of the loss' on any loan shall, for the purposes of this subsection and subsection (b), be deemed to be an amount equal to the unpaid balance of the principal amount and interest accrued from the date of submission of a valid default claim (as determined by the Commissioner) to the date on which payment is authorized by the Commissioner, reduced to the extent required by section 425(b). Such beneficiary shall be required to meet the standards of due diligence in the collection of the loan.

"(b) Upon payment of the amount of the loss pursuant to subsection (a), the United States shall be subrogated for all of the rights of the holder of the obligation upon the insured loan and shall be entitled to an assignment of the note or other evidence of the insured loan by the insurance beneficiary. If the net recovery made by the Commissioner on a loan after deduction of the cost of that recovery (including reasonable administrative costs) exceeds the amount of the loss, the excess shall be paid over to the insured. The Commissioner may, in attempting to make recovery on such loans, contract with private business concerns, State student loan insurance agencies, or State guaranty agencies, for payment for services rendered by such concerns or agencies in assisting the Commissioner in making such recovery. Any contract under this subsection entered into by the Commissioner shall provide that attempts to make recovery on such loans shall be fair and reasonable, and do not involve harassment, intimidation, false or misleading representations, or unnecessary communications concerning the existence of any such loan to persons other than the student borrower.

"(c) Nothing in this section or in this part shall be construed to preclude any forebearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner, or to preclude forebearance by the Commissioner in the enforcement of the insured obligation after payment on that insurance.

"(d) Nothing in this section or in this part shall be construed to excuse the holder of a federally insured loan from exercising reasonable care and diligence in the making and collection of loans under the provisions of this part. If the Commissioner, after reasonable notice and opportunity for hearing to an eligible lender, finds that it has substantially failed to exercise such care and diligence or to make the reports and statements required under section 428(a)(4) and section 429(a)(3), or to pay the required Federal loan insurance premiums, he shall disqualify that lender for further Federal insurance on loans granted pursuant to this part until he is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence or comply with such requirements, as the case may be.

"(e) As used in this section—

"(1) the term 'insurance beneficiary' means the insured or its authorized assignee in accordance with section 429(d); and

"(2) the term 'default' includes only such defaults as have existed for (A) one hundred and twenty days in the case of a loan which is repayable in monthly installments, or (B) one hundred and eighty days in the case of a loan which is repayable in less frequent installments.

"INSURANCE FUND

"SEC. 431. (a) There is hereby established a student loan insurance fund (hereinafter in this section called the 'fund') which shall be available without fiscal year limitation to the Commissioner for making payments in connection with the default of loans insured by him under this part, or in connection with

payments under a guaranty agreement under section 428(c). All amounts received by the Commissioner as premium charges for insurance and as receipts, earnings, or proceeds derived from any claim or other assets acquired by the Commissioner in connection with his operations under this part, any excess advances under section 422(c)(4)(C), and any other moneys, property, or assets derived by the Commissioner from his operations in connection with this section, shall be deposited in the fund. All payments in connection with the default of loans insured by the Commissioner under this part, or in connection with such guaranty agreements shall be paid from the fund. Moneys in the fund not needed for current operations under this section may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

"(b) If at any time the moneys in the fund are insufficient to make payments in connection with the default of any loan insured by the Commissioner under this part, or in connection with any guaranty agreement made under section 428(c) or 428A(a)(1), the Commissioner is authorized, to the extent provided in advance by appropriations Acts, to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Commissioner from such fund.

"LEGAL POWERS AND RESPONSIBILITIES

"SEC. 432.(a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in that office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 509, 517, 547, and 2679 of title 28 of the United States Code;

"(3) include in any contract for Federal loan insurance such terms, conditions, and covenants relating to repayment of principal and payment of interest, relating to his obligations and rights and to those eligible lenders, and borrowers in case of default, and relating to such other matters as the Commissioner determines to be necessary to assure that the purposes of this part will be achieved; and any term, condition, and covenant made pursuant to this clause or any other provisions of this part may be modified by the Commissioner if he determines that modification is necessary to protect the financial interest of the United States;

"(4) subject to the specific limitations in this part, consent to the modification, with respect to rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision of any note or other instrument evidencing a loan which has been insured by him under this part;

"(5) enforce, pay, or compromise, any claim on, or arising because of, any such insurance or any guarantee agreement under section 428(c); and

"(6) Enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

"(b) The Commissioner shall, with respect to the financial operations arising by reason of this part—

"(1) Prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act; and

"(2) Maintain with respect to insurance under this part an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.

"(c)(1)(A) For loans insured after December 31, 1976, or in the case of each insurer after such earlier date where the data required by this subsection are available, the Commissioner and all other insurers under this part shall collect and accumulate all data relating to (i) loan volume insured and (ii) defaults reimbursed or default rates according to the categories of loans listed in subparagraph (B) of this paragraph.

"(B) The data indicated in subparagraph (A) of this paragraph shall be accumulated according to the category of lender making the loan and shall be accumulated separately for lenders who are (i) eligible institutions, (ii) State or private, nonprofit direct lenders, (iii) commercial financial institutions who are banks, savings and loan associations, or credit unions, and (iv) all other types of institutions or agencies.

"(C) The Commissioner may designate such additional subcategories within the categories specified in subparagraph (B) as he deems appropriate.

"(D) The category or designation of a loan shall not be changed for any reason, including its purchase or acquisition by a lender of another category.

"(2)(A) The Commissioner shall collect data under this subsection from all insurers under this part and shall publish not less often than once every fiscal year a report showing loan volume guaranteed and default data for each category specified in subparagraph (B) of paragraph (1) of this subsection and for the total of all lenders.

"(B) The reports specified in subparagraph (A) of this paragraph shall include a separate report for each insurer under this part including the Commissioner, and where an insurer insures loans for lenders in more than one State, such insurer's report shall list all data separately for each State.

"(3) For purposes of clarity in communications, the Commissioner shall separately identify loans made by the lenders referred to in clause (i) and loans made by the lenders referred to in clause (ii) of paragraph (1)(B) of this subsection.

"(d)(1) The functions of the Commissioner under this part listed in paragraph (2) of this subsection may be delegated to employees in the regional offices of the Office of Education established pursuant to section 403(c)(2) of the General Education Provisions Act.

"(2) The functions which may be delegated pursuant to this subsection are—

"(A) Reviewing applications for loan insurance under section 429 and issuing contracts for Federal loan insurance, certificates of insurance, and certificates of comprehensive insurance coverage to eligible lenders which are financial or credit institutions subject to examination and supervision by an agency of the United States or of any State;

"(B) Receiving claims for payments under section 430(a), examining those claims, and pursuant to regulations of the Commissioner, approving claims for payment, or requiring lenders to take additional collection action as a condition for payment of claims; and

"(C) Certifying to the central office when collection of defaulted loans has been completed, compromising or agreeing to the modification of any Federal claim against a borrower (pursuant to regulations of the Commissioner issued under section 432(a)), and recommending litigation with respect to any such claim.

"INSTITUTIONAL LENDERS

"SEC. 433. (a)(1) An eligible institution may not act as an eligible lender or originate loans under this part unless it has in effect an agreement with the Commissioner under which it agrees (A) to make such loans to no more than 50 per centum of the students in attendance at the institution who are not graduate or professional students (as defined in regulations of the Commissioner), and (B) that it will not make such a loan under this part to a student, other than a graduate or professional student (as defined in regulations of the Commissioner), who has not previously received a loan from such institution until such student has provided the institution with either (i) a statement from an eligible lender (other than an eligible institution or a State or an agency of a State or a private nonprofit agency designated by a State) that the borrower sought a loan from it and was denied such loan, or (ii) a sworn statement by the borrower that the lender from which he sought such a loan declined to provide the statement described in clause (i).

"(2) Whenever the Commissioner determines that the termination of the eligible institution's status as a lender under paragraph (1) would be a hardship to the present or prospective students of the eligible institution after considering the management of that institution, the opportunities that institution provides, to economically disadvantaged students, and related factors, the Commissioner shall waive the provisions of such paragraph with respect to that institution.

"(b)(1) An eligible institution shall be deemed to have originated a loan for purposes of this section if it has had delegated to it by an eligible lender a substantial portion of the functions and responsibilities normally performed by a lender prior to the making of a loan, such as interviewing the applicant for the loan, explaining the applicant's responsibilities under the loan, obtaining completion of necessary forms, obtaining necessary documentation, or verifying that the student is eligible for the loan.

"(2) For purposes of this section, a loan is made or originated on the date of the first disbursement of any proceeds of the loan.

"PARTICIPATION BY FEDERAL CREDIT UNIONS IN FEDERAL, STATE, AND PRIVATE STUDENT LOAN INSURANCE PROGRAMS

"SEC. 434. Notwithstanding any other provision of law, Federal credit unions shall, pursuant to regulations of the Director of the Bureau of Federal Credit Unions, have power to make insured loans to student members in accordance with the provisions of this part relating to federally insured loans, or in accordance with the provisions of any State or nonprofit private student loan insurance program which meets the requirements of section 428(a)(1)(C).

"DEFINITIONS FOR STUDENT LOAN INSURANCE PROGRAM

"SEC. 435. As used in this part:

"(a) The term 'eligible institution' means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the United States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part, except that such term does not include any such institution or school which employs or uses commissioned salesmen to promote the availability of any loan program described in section 428(a)(1) at that institution or school.

"(b) The term 'institution of higher education' means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, or who are beyond the age of compulsory school attendance, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) Is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time or, (B) Is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term includes any public or other nonprofit collegiate or associate degree school of nursing and any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5). If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the program pursuant to this part, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) The term 'vocational school' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (3) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (4) is accredited (A) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, (B) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, and (C) if the Commissioner determines there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools in order for loans to students attending them to be insurable under this part and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

"(d) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(e) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(f) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

"(g)(1) Except as provided in paragraphs (2), (3), and (4), the term 'eligible lender' means—

"(A) A National or State chartered bank, a mutual savings bank, a savings and loan association, or a credit union which—

"(i) Is subject to examination and supervision by an agency of the United States or of the State in which its principal place of operation is established, and

"(ii) Does not have as its primary consumer credit function the making or holding of loans made to students under this part unless it is a bank which is wholly owned by a State;

"(B) A pension fund as defined in the Employees Retirement Income Security Act;

"(C) An insurance company which is subject to examination and supervision by an agency of the United States or a State;

"(D) In any State, a single agency of the State or a single nonprofit private agency designated by the State;

"(E) An eligible institution which meets the requirements of paragraphs (2), (3), and (4) of this subsection and which has signed an agreement pursuant to section 433; and

"(F) For purposes only of purchasing and holding loans made by other lenders under this part, the Student Loan Marketing Association or an agency of any State functioning as a secondary market.

"(2) To be an eligible lender under this part, an eligible institution—

"(A) Shall employ at least one person whose full-time responsibilities are limited to the administration of programs of financial aid for students attending such institution; and

"(B) Shall not be a home study school.

"(3) The term eligible lender does not include any eligible institution in any fiscal year immediately after the fiscal year in which the Commissioner determines, after notice and opportunity for a hearing, that for each of two consecutive years 15 per centum or more of the amount of the loan described in section 428(a)(1) made with respect to students at that institution and repayable in each such year is in default, as defined in section 430(e)(2).

"(4) Whenever the Commissioner determines that—

"(A) There is reasonable possibility that an eligible institution may, within one year after a determination is made under paragraph (3), improve the collection of loans described in section 428(a)(1), so that the application of paragraph (3) would be a hardship to that institution, or

"(B) The termination of the lender's status under paragraph (3) would be a hardship to the present or prospective students of the eligible institution, after considering the management of that institution, the ability of that institution to improve the collection of loans, the opportunities that institution offers to economically disadvantaged students, and other related factors, the Commissioner shall waive the provisions of paragraph (3) with respect to that institution. Any determination required under this paragraph shall be made by the Commissioner prior to the termination of an eligible institution as a lender under the exception of paragraph (3). Whenever the Commissioner grants a waiver pursuant to this paragraph he shall provide technical assistance to the institution concerned in order to improve the collection rate of such loans.

"(h) The term 'line of credit' means an arrangement or agreement between the lender and the borrower whereby a loan is paid out

by the lender to the borrower in annual installments, or whereby the lender agrees to make, in addition to the initial loan, additional loans in subsequent years.

"(i) The term 'due diligence' requires the utilization by a lender, in the servicing and collection of loans insured under this part, of collection practices at least as extensive and forceful as those generally practiced by financial institutions for the collection of consumer loans.

"DISTRICT OF COLUMBIA STUDENT LOAN INSURANCE PROGRAM

"SEC. 436. (a) The government of the District of Columbia is authorized (1) to establish a student loan insurance program which meets the requirements of this part for a State loan insurance program in order to enter into agreements with the Commissioner for the purposes of this title, (2) to enter into such agreements with the Commissioner, (3) to use amounts appropriated for the purposes of this section to establish a fund for such purposes and for expenses in connection therewith, and (4) to accept and use donations for the purposes of this section.

"(b) Notwithstanding the provisions of any applicable law, if the borrower, on any loan insured under the program established pursuant to this section, is a minor, any otherwise valid note or other written agreement executed by him for the purposes of such loan shall create a binding obligation.

"(c) There are authorized to be appropriated such amounts as may be necessary for the purposes of this section.

"REPAYMENT BY THE COMMISSIONER OF LOANS OF BANKRUPT, DECEASED, OR DISABLED BORROWERS

"SEC. 437. (a) If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan.

"(b) If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) is relieved of his obligation to repay such loan, in whole or in part, through a discharge in bankruptcy, the Commissioner shall repay the amount of the loan so discharged.

"SPECIAL ALLOWANCES

"SEC. 438. (a) In order to assure (1) that the limitation on interest payments or other conditions (or both) on loans made or insured under this part, do not impede or threaten to impede the carrying out of the purposes of this part or do not cause the return to holders of loans to be less than equitable, (2) that incentive payments on such loans are paid promptly to eligible lenders, (3) that appropriate consideration of relative administrative costs and money market conditions is made in setting the quarterly rate of such payments, and (4) that participating lenders will have a better and more accurate way of assessing the rate of such payments for current and prospective quarters, the Congress finds it necessary to establish an improved method for the determination of the quarterly rate of the special allowance on such loans, and to provide for a thorough, expeditous and objective examination of alternative methods for the determination of the quarterly rate of such allowance.

"(b)(1) A special allowance shall be paid for each of the three-month periods ending March 31, June 30, September 30, and December 31 of every year and the amount of such allowance paid to any holder with respect to any three-month period shall be a percentage of the unpaid balance of disbursed principal (not including unearned interest added to principal) of all eligible loans held by such holder during such period.

"(2)(A) Subject to subparagraphs (B) and (C) and paragraph (4), the special allowance paid pursuant to this subsection shall be computed (i) by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills auctioned for such three-month period, (ii) by subtracting 3.5 per centum from such average, and (iii) by rounding the resultant per centum upward to the nearest one-eighth of 1 per centum.

"(B) Except as provided in paragraph (4), if the special allowance computed according to subparagraph (A) would (i) cause the special allowance for any twelve-month period during the period ending September 30, 1977, to exceed 3 per centum, the special allowance rate to be paid for such period shall be reduced to the highest one-eighth of 1 per centum rate interval which would not cause such excess.

"(C) Except as provided in subparagraph (4), if the special allowance computed according to subparagraph (A) would (i) cause the special allowance for any twelve-month period after October 1, 1977, to exceed 5 per centum, the special allowance rate to be paid for such period shall be reduced to the highest one-eighth of 1 per centum rate which would not cause such excess.

"(3) Subject to paragraph (4) the special allowance determined for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this section. The holder of a loan with respect to which any such allowance is to be paid shall be deemed to have a contractual right, as against the United States, to receive such allowance from the Commissioner.

"(4)(A) If payment of the special allowance payable under this section or of interest payments under section 428(a) with respect to a loan have not been made within thirty days after the Commissioner has received an accurate, timely, and complete request for payment thereof, the special allowance payable to such holder shall be increased by an amount equal to the daily interest accruing on the special allowance and interest benefits payments due the holder.

"(B) Such daily interest shall be computed at the daily equivalent rate of the special allowance rate computed pursuant to paragraph (3) plus 7 per centum and shall be paid for the later of (i) the thirty-first day after the receipt of such request for payment from the holder, or (ii) the thirty-first day after the final day of the period or periods covered by such request, and shall be paid for each succeeding day until, and including, the date on which the Commissioner authorizes payment.

"(C) For purposes of reporting to the Congress the amounts of special allowances paid under this section, amounts of special allowances paid pursuant to this subparagraph shall be segregated and reported separately.

"(5) As used in this section, the term 'eligible loan' means a loan which is insured under this part, or made under a program covered by an agreement under section 428(b) of this Act.

"(b) The Commissioner shall pay the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary and the Commissioner to carry out their functions under this section and to carry out the purposes of this section.

"(c) The Commissioner shall adopt or amend appropriate regulations pertaining to programs carried on under this part to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students. Regulations issued under section 2(a)(6)(B)(ii) of the Emergency Insured Student Loan Act of 1969 shall remain in effect until superseded or amended under this subsection, but no payments shall be made under such Act after the effective date of this section.

"(d) There are authorized to be appropriated such sums as may be necessary for special allowances authorized by this section.

"(e) In order to assure (i) that the limitation on interest payments or other conditions (or both) on loans made or insured under this part, do not impede or threaten to impede the carrying out of the purposes of this part or do not cause the return to holders of loans to be less than equitable, (ii) that incentive payments on such loans are paid promptly to eligible lenders, (iii) that appropriate consideration of relative administrative costs and money market conditions is made in setting the quarterly rate of such payments, and (iv) that participating lenders will have a better and more accurate way of assessing the rate of such payments for current and prospective quarters, there is established a Committee on the Process of Determining Student Loan Special Allowances (hereinafter in this section referred to as the 'Committee'). The Committee shall be composed of—

"(1) The Commissioner of Education;

"(2) The Secretary of Health, Education, and Welfare;

"(3) The Secretary of Treasury;

"(4) A representative of State and nonprofit private institutions and organizations participating under an agreement under section 428(b);

"(5) A student financial aid administrator of an eligible institution (as defined in section 435(g)(2));

"(6) A business officer of an eligible institution (as defined in section 435(g)(2));

"(7) A representative of participating eligible lenders other than one defined in section 435(g)(1)(E);

"(8) A student at an eligible institution (as defined in section 435(g)(2)); and

"(9) A representative of the Student Loan Marketing Association, designated by the Board of Directors of the Association.

"(f) The Commissioner shall appoint the members of the Committee described in paragraphs (4), (5), (6), (7), and (8) of subsection (e) of this section, after consultation in the case of those members appointed under each such paragraph, with nationally-recognized organizations of such persons or agencies.

"(g)(1) No later than October 1, 1977, the Committee shall prepare and submit to the President of the Senate and the Speaker of the House of Representatives a report of their findings and recommendations for an improved method or methods for the determination of the quarterly rate of the special allowance paid under this Act which they believe will carry out the objectives set forth in subsection (a) of this section.

"(2) The Committee shall make every effort to reach a unanimous decision with respect to the method for the determination of the quarterly rate of the special allowance established under this section.

"(3) In developing the method for the determination of the quarterly rate of the special allowance under this section, the Committee shall consider—

"(A) The experiences of students, and eligible lenders under the method prescribed in this section, and under the method in operation prior to the enactment of this section,

"(B) The administrative costs of various types of eligible lenders under this part,

"(C) Relevant and widely available financial indicators which accurately reflect the costs of capital invested in programs under this part, or substitute financial indicators which equitably represent the cost of such capital,

"(D) An administrative mechanism necessary to produce a prompt and rapidly disseminated determination of the quarterly rate of the special allowance, in order to avoid delays in the determination and dissemination of that rate and in the actual payment of the special allowance to eligible lenders, and

"(E) Such other factors as the Committee considers necessary to carry out the purposes of this section.

"(4) In carrying out its responsibilities under this section, the Committee shall be given the full cooperation and assistance of the official in the Office of Education directly responsible for the administration of this part B of title IV of the Higher Education Act of 1965 and such other appropriate officials of the Office of Education as the Committee deems appropriate.

"(5) In order to assist the Committee to carry out its functions under this section, the Commissioner of Education is authorized to hire consultants, and to enter into contracts, and pay the costs of such contracts from funds regularly appropriated for the purpose of administering programs authorized by this part.

"(6) The Commissioner of Education shall convene the first session of the Committee within sixty days after the date of enactment of the Education Amendments of 1976. The Chairman of the Committee shall be selected by those members who are not officials of the Federal Government from among themselves.

"(7) The Committee is not authorized to employ permanent employees or to lease or obtain the use of permanent offices or to take other steps to extend its period of service beyond the time necessary to complete its responsibilities under this section.

"(8) The Committee shall cease to exist ten days after the submission of the report prescribed in paragraph (1) of this subsection.

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declared that it is the purpose of this section (1) to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments; and (2) in order to facilitate secured transactions involving insured student loans, to provide for perfection of security interests in insured student loans either through the taking of possession or by notice filing.

"(b)(1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until disolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue and jurisdiction in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c)(1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When, in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors, who shall be representative of the general public.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its Chairman, but at least semiannually. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d)(1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commission under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount on an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(3) Notwithstanding the provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in insured student loans created on behalf of the Association or any eligible lender as defined in section 435(a) may be perfected either through the taking of possession of such loans or by the filing of notice of such security interest in such loans in the manner provided by said State law for perfection of security interests in accounts.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security or purchase student loans pursuant to subsection (d) only after the Association is assured that the lender (A) does not discriminate by pattern or practice against any particular class or category of students by requiring that, as a condition to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that this clause shall not apply in the case of a loan made by a credit union, savings and loan association, mutual savings bank, institution of higher education, or any other lender with less than $50,000,000 in deposits, and (B) does not discriminate on the basis of race, sex, color, creed, or national origin.

"(f)(1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part or who are eligible institutions as defined in section 435(a) (other than an institution outside the United States).

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the

Association may issue and have outstanding at any one time.

"(4) To the extent that net income is earned and realized, subject to subsection (g)(2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividends shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g)(1) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, prior to July 1, 1982, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things, as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j) The accounts of the Association shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States, except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who, although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest standards prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountans and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975. A report of each such audit shall be furnished to the Secretary of the Treasury. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(l) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.

"FIVE-YEAR NONDISCHARGEABILITY OF CERTAIN LOAN DEBTS

"SEC. 439A. (a) A debt which is a loan insured or guaranteed under the authority of this part may be released by a discharge in bankruptcy under the Bankruptcy Act only if such discharge is granted after the five-year period (exclusive of any applicable suspension of the repayment period) beginning on the date of commencement of the repayment period of such loan, except that prior to the expiration of that five-year period, such loan may be released only if the court in which the proceeding is pending determines that payment from future income or other wealth will impose an undue hardship on the debtor or his dependents.

"(b) Subsection (a) of this section shall be effective with respect to any proceedings begun under the Bankruptcy Act on or after September 30, 1977.

"CRIMINAL PENALTIES

"SEC. 440. (a) Any person who knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery any funds, assets or property provided or insured under this part shall be fined not more than $10,000 or imprisoned for not more than five years, or both; but if the amount so embezzled, misapplied, stolen or obtained by fraud, false statement, or forgery does not exceed $200, the fine shall be not more than $1,000 and imprisonment shall not exceed one year, or both.

"(b) Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any ma-

terial information in connection with an application for a finding by the Commissioner under section 435(b)(4) (A) or (B), for the purpose of qualifying an educational institution as an eligible institution under this part shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Any person who knowingly and willfully makes any false statement to, furnishes any false information to, or conceals any material information in connection with the assignment of a loan, which is insured under this part, to another eligible lender, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

"(d) Any person who knowingly and willfully makes an unlawful payment to an eligible lender as an inducement to make, or to acquire by assignment, a loan insured under this part shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) Any person who knowingly and willfully destroys any application for a loan which is insured under this part, any application for insurance of a loan under this part, or destroys or conceals any other record relating to the making or insuring of loans under this part with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.".

(b) The amendment made by subsection (a) of this section of this Act shall become effective October 1, 1976, except as otherwise provided therein, and to the extent such amendment makes changes in such part B which affect student loans, such changes shall apply to outstanding loans as well as to loans made after the amendment becomes effective, except that—

(1) the changes made in sections 425(a), 427(a)(1)(C), 427(a)(2)(G) and 428(b)(1)(A), (B), and (P) shall become applicable with respect to loans to cover the costs of education for periods of enrollment beginning on or after October 1, 1976;

(2) section 422(c) shall become effective October 1, 1977;

(3) section 428(f) shall become effective October 1, 1976;

(4) the changes made in section 428(a)(2) shall become applicable with respect to the determination of interest subsidies on loans to cover the costs of education for periods of enrollment beginning on or after 30 days after the date of enactment of this Act;

(5) the new section 433 shall become effective with respect to loans made to cover the costs of education for periods of enrollment beginning on or after October 1, 1976;

(6) the changes in section 428(c) with respect to the amount of Federal guarantee payments shall become effective with respect to payments to reimburse States and nonprofit private institutions and organizations with which the Commissioner has an agreement under section 428(c) of such part which are made on or after October 1, 1976; and

(7) section 438 shall become effective with respect to fiscal quarters beginning after December 31, 1976.

(c)(1) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "October 1, 1976" and inserting in lieu thereof "January 1, 1977."

(2) Effective October 1, 1977, the Emergency Insured Student Loan Act of 1969 is repealed.

* * * * *

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 132. Section 497 of the Act is amended by adding at the end thereof the following new subsection:

"(e) Any student assistance received by a student under this title shall entitle the student receiving it to payments only if—

"(1) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance, and

"(2) that student doesnot owe a refund on grants previously received at such institution under this title, or is not in default on any loan from a student loan fund at such institution provided for in part E, or a loan made, insured, or guaranteed by the Commissioner under this title for attendance at such institution.".

FISCAL RESPONSIBILITY

SEC. 133. (a) Title IV of the Act is further amended by adding after section 497 the following new sections:

"FISCAL ELIGIBILITY OF INSTITUTIONS

"SEC. 497A. (a) Notwithstanding any other provisions of this title, or of section 434(c) of the General Education Provisions Act, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained by it under this title or obtained from a student who has a loan insured or guaranteed by the Commissioner under this title;

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid under this title;

"(3) the establishment by each eligible institution under part B responsible for furnishing to the lender the statement required by section 428(a)(2)(A)(i), of policies and procedures by which the latest known address and enrollment status of any student who has had a loan insured under this part and who has either formally terminated his enrollment, or failed to re-enroll on at least a half-time basis, at such institution, shall be furnished either to the holder (or if unknown, the insurer) of the note, not later than sixty days after such termination or failure to re-enroll; and

"(4) the limitation, suspension or termination of the eligibility for any program under this title of any otherwise eligible institution, whenever the Commissioner has determined, after reasonable notice and opportunity for hearing on the record, that such institution has violated or failed to carry out any provision of this title or any regulation prescribed under this title, except that no period of suspension under this section shall exceed sixty days unless the institution and the Commissioner agree to an extension or unless limitation or termination proceedings are initiated by the Commissioner within that period of time.

"(b) The Commissioner shall, for the purpose of carrying out the provisions of this section with respect to subpart 1 of part A of this title, enter into special arrangements with institutions of higher education at which students receiving basic grants under that subpart are enrolled. The commissioner shall include special provisions designed to carry out the provisions of this section in agreements with institutions of higher education under section 413C, in agreements with eligible institutions under section 443, and in agreements with institutions of higher education under section 463.

"(c) Upon determination that an eligible institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates, the Commissioner may suspend or terminate the eligibility status for any or all programs under this title of any otherwise eligible institution, in accordance with procedures specified in paragraph (a)(3), until he finds that such practices have been corrected.

"(d) The Commissioner shall publish a list of State agencies which he determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.

"(e) For the purpose of this section the term 'eligible institution' means any such institution described in section 435(a) of this Act.".

(b)(1) Any regulations for the carrying out of section 438, as in effect on the date immediately prior to the effective date of this subsection shall be deemed to remain in force until amended or superseded by new regulations of the Commissioner.

(2) Within 120 days of the effective date of this subsection, the Commissioner is directed to issue a comprehensive revision of the regulations heretofore prescribed for the carrying out of section 438, for the purpose of modifying such regulations, to the extent possible, to make them applicable to all programs under title IV of the Act.

[FR Doc.76-32310 Filed 11-4-76;8:45 am]

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Escrow Agent Disbursement Plan

Pursuant to the authority contained in Title IV, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 through 1087–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to add to Title 45, Part 177 of the Code of Federal Regulations the provisions set forth below in order to improve the administration of the Federal Insured Student Loan Program (FISLP) component of the Guaranteed Student Loan Program (GSLP).

The following regulations would authorize the Commissioner, in his discretion, to require lenders to disburse FISLP loan proceeds to student borrowers by means of an escrow agent. Although the Commissioner does not presently have specific plans to implement this authority, he wishes to assess its potential for resolving certain problems currently being encountered by the Office of Education (OE) in the administration of the GSLP. While the proposed regulations relate only to FISLP loans, the attention of State and nonprofit, private guarantee agencies is also directed to their content since, in the event the proposal is implemented and adjudged a success, the Commissioner may later propose an extension of the concept to their programs. In the meantime, a guarantee agency may wish

to consider independent adoption of the proposal or a variant of it as a means of resolving the problems inherent in the present loan disbursement process which this proposal addresses and which guarantee agencies may likewise experience. For these reasons, guarantee agencies as well as FISLP lenders and participating educational institutions are encouraged to study this proposal and offer suggestions for its refinement or for alternative methods of dealing with the problems, discussed below, occasioned by the present patterns of loan disbursement.

Currently, most FISLP loans are disbursed to the borrower by means of a single check for the entire amount of the loan. If a student borrower fails to complete the academic term for which he has obtained the loan because of his withdrawal from school, and if he has not at that time used all of the loan proceeds for educational purposes, past experience has shown that the borrower is apt to divert the remaining loan money to non-educational uses, which is contrary to the statutory purpose for which the loan was originally extended. When this happens, OE is in the position of paying interest benefits and the special allowance, and extending its insurance liability, on loan proceeds not being used for the purpose for which they are intended. A further weakness of the present system is that it does not provide a data capture system which immediately relays information regarding a change in student enrollment status to the lender so as to trigger loan repayment and the termination of Federal interest benefits.

These problems could be avoided if loan proceeds were disbursed to a borrower in multiple installments that corresponded to the borrower's need to meet periodically arising educational expenses. Under an ideal multiple disbursement scheme that conditions disbursement to the borrower upon continued enrollment, if the enrollment status of a borrower were prematurely terminated, then the unused loan principal would automatically be applied to reduce the outstanding amount for which the borrower is obligated. This result would accomplish the objectives of avoiding diversion of FISLP money to non-educational uses, minimizing the cost of Federal payments for interest benefits and the special allowance, and reducing the potential amount of outstanding loan money that later can fall into default.

The current regulations authorize, but do not require, lenders other than educational institutions to disburse loan proceeds in multiple installments. In fact, most lenders disburse the entire loan proceeds to the borrower by means of a single instrument.

The escrow agent concept proposed in the following regulations is designed to minimize the problems occasioned by single check disbursement without imposing the administrative burdens of multiple disbursements on lenders under the program. The concept additionally has the potential to provide a framework for a reliable data capture system essential for the efficient management of the FISLP, including the validation of the date and amount of loan disbursements and the enrollment status of borrowers.

The escrow agent plan provides for the disbursement of the entire loan proceeds by the lender to an escrow agent, which would receive the sum on behalf of the borrower. The escrow agent would then re-disburse the loan proceeds to the borrower in installments corresponding to the borrower's needs for meeting educational expenses. Each installment disbursement would be made by means of a check payable to the borrower and sent to his school. If the borrower is maintaining the minimum enrollment status necessary for his continued eligibility under the program, the school would certify to that effect on the check and transmit it to the borrower. If the borrower were ineligible, the school would return the check to the escrow agent, which in turn would remit all of the undisbursed money it still held to the lender, which would then make a downward adjustment in the amount of the borrower's loan obligation.

A lender would earn interest on the entire amount of the loan from the time of disbursement to the escrow agent. In the case of a loan eligible for Federal interest benefits, OE would begin to pay interest on the entire unpaid principal at that time. In the case of a loan not eligible for Federal interest benefits, the borrower would pay the lender interest on the installments he had received from the escrow agent and the escrow agent would pay the lender the interest on the remaining principal that it still held for re-disbursement. A lender would also receive the special allowance paid on the entire amount of the loan from the time it was disbursed to the escrow agent.

The escrow agent plan would enable the benefits of a multiple disbursement system to be realized without cost to the lender, which would continue to earn interest and the special allowance as if the entire loan had been disbursed at the outset to the borrower. The operation of the plan would also be without cost to OE under an approach being considered, whereby the escrow agent would cover the costs it incurred for administration and payment of interest on loans not eligible for Federal interest benefits with revenue from the "float" of loan money it held prior to re-disbursement, which would have to be invested in accordance with criteria established by OE and the Department of the Treasury. Escrow agents serving different geographical areas would be selected on a competitive basis. Interested persons are invited to offer suggestions as to criteria for selection of escrow agents.

The interrelationships between lender, borrower and the Commissioner would be virtually unaffected by implementation of the escrow agent plan. The rights and obligations would be affected only during the period of installment re-disbursements by the escrow agent and then only to the extent of the escrow agent's responsibilities to make installment disbursements to the borrower when due, return loan proceeds not needed for educational expenses to the lender, prudently manage the undisbursed money, and pay interest to the lender on each loan not eligible for Federal interest benefits.

The borrower's rights under the FISLP remain undisturbed, since the escrow agent plan merely ensures that the money is paid to a borrower who is a student and who will use it for educational expenses. The plan does not increase the cost to the borrower in any way and indeed will reduce his interest costs in the case of a loan not eligible for Federal interest benefits. The borrower also benefits under the plan in the event his education is prematurely terminated for any reason, since the principal of his loan obligation is automatically reduced if he has not yet received all of the loan proceeds.

The educational institution would assume the new administrative tasks of check certification and transmittal. However, most educational institutions already receive loan checks on behalf of borrowers, thus assuring that tuition and other fees owed to the institution will be paid. Because the check certification would act as a report on student status, the Student Status Confirmation Report could be simplified in that information as to students receiving escrow disbursements might not be required.

Numerous alternative approaches have been explored by OE as a means of resolving the problems occasioned by the present method of loan disbursement under the GSLP. The escrow agent plan appears to be a method well suited for resolving those problems within the existing statutory framework. In the development of this escrow agent concept and its application to the FISLP, meetings and consultations have taken place with lenders, eligible institutions and guarantee agencies. However, it is important to note that the feasibility and practicality of this plan are still being assessed by the Commissioner. By this Notice of Proposed Rulemaking he is inviting interested parties to communicate their opinion of the proposal or to contribute for the Commissioner's consideration alternate methods of dealing with the problems discussed above. A proposed comprehensive revision of the GSLP regulations is found in this issue of the FEDERAL REGISTER. This Notice of Proposed Rulemaking regarding the escrow agent concept is published separately in order to call attention to its unique and important content. The schedule of public hearings below is identical with the hearing schedule for the proposed GSLP revision. Parties wishing to present their views orally at the hearings may comment on either or both sets of proposed regulations.

SUBMISSION OF COMMENTS AND PUBLIC HEARINGS ON PROPOSED REGULATIONS

1. All interested persons are invited to submit written comments and recommendations concerning the proposed rules or alternative approaches to dealing with the problems occasioned by the present patterns of loan disbursement under the GSLP to the Associate Commissioner, Office of Guaranteed Student Loans, Office of Education, Washington, D.C. 20202. Hand delivered comments

may be delivered to Room 4636, Regional Office Building No. 3, Seventh and D Streets, SW., Washington, D.C. Such responses to this notice will be available for public inspection on Mondays through Fridays between 8 a.m. and 4:30 p.m. All relevant material received on or before January 5, 1977, will be considered.

2. All interested persons are also hereby given notice of opportunity to present comments and recommendations orally with respect to the proposed rules or alternative approaches to dealing with the problems occasioned by the present patterns of loan disbursement under the GSLP at public hearings to be held in the following places on the dates below and commencing at 9:00 a.m. on each of the days specified:

HEW Auditorium, 300 Independence Avenue, SW., Washington, D.C., November 30, December 1.

John F. Kennedy Federal Building, Government Center, Room 2003, Boston, Massachusetts, December 2, 3.

University of Illinois, Circle Campus, Room C-3, Lecture Center, 750 S. Halsted St., Chicago, Illinois, December 6, 7.

Earle Cabell Federal Building, Room 7A23, 1100 Commerce, Dallas, Texas, December 9, 10.

University of San Francisco, University Center, Room 413, 2130 Fulton Street, San Francisco, California, December 13, 14.

U.S. Post Office Auditorium, 18th & Stout Streets Denver, Colorado, December 16, 17.

3. Any person desiring to present his views orally at any of the scheduled hearings should so inform the appropriate representative listed below no later than seven (7) days prior to commencement of the particular hearing at which the person wishes to be heard. Reasonable limitations upon the length of time allocated to any person may be imposed and persons should file with the appropriate office listed below ten copies of all prepared statements:

Office of Guaranteed Student Loans, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. 202-472-2840.

Office of Guaranteed Student Loans, U.S. Office of Education, Post Office Box 8370, Boston, Massachusetts 02114.

Office of Guaranteed Student Loans, U.S. Office of Education, Post Office Box 8422, Chicago, Illinois 60680.

Office of Guaranteed Student Loans, U.S. Office of Education, 1200 Main Tower, Dallas, Texas 75202.

Office of Guaranteed Student Loans, U.S. Office of Education, 11023 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Office of Guaranteed Student Loans, U.S. Office of Education, 50 Fulton Street, San Francisco, California 94102.

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program.)

Dated: August 30, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: October 22, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education and Welfare.

Part 177 of Title 45 of the Code of Federal Regulations is amended as follows:

1. A new definition is added to § 177.11 to read as follows:

§ 177.11 **Definitions.**

* * * * *

(f) "Escrow agent" means an entity which has been designated by the Commissioner to receive, on behalf of student borrowers, proceeds of loans disbursed by eligible lenders located within a particular geographic area under Subpart F of this part, and to re-disburse such proceeds to the borrowers as set forth in Subpart F.

(20 U.S.C. 1082.)

2. A new paragraph is added to the § 177.57 dealing with disbursement under the Federal Insured Student Loan Program, to read as follows:

§ 177.57 **Disbursement of loans.**

* * * * *

(c) *Disbursement by a lender to the borrower through an escrow agent.* The Commissioner may direct that some or all eligible lenders located within a particular geographical area disburse loans insured under this subpart to an escrow agent which will receive the proceeds of the loans on behalf of student borrowers. Such disbursements shall be made in the following manner:

(1) The lender shall disburse the entire loan to the escrow agent through one instrument and give contemporaneous written notice of the disbursement to the borrower. The borrower shall, however, be liable for repayment of the loan only to the extent that it is re-disbursed to him by the escrow agent in accordance with paragraph (c)(2)(i) of this section.

(2)(i) The escrow agent shall re-disburse the loan to the borrower by transmitting to the educational institution to be attended by the borrower one or more instruments payable to the borrower. Each such instrument shall be payable only if the eligible institution for attendance at which the loan was intended certifies on the instrument that the borrower is currently matriculated, or will be matriculated at the time indicated by the institution to the lender, as a student (as defined in § 177.11). If this condition is satisfied, the institution must transmit the instrument to the borrower. The instrument must be endorsed personally by the borrower (and may not be endorsed by an eligible institution or another party on his behalf). If, when such an instrument is received by the institution, the borrower is not matriculated (or, if prior to the academic period for which the loan was intended, the borrower has indicated to the institution that he does not intend to matriculate), the institution shall return the instrument to the escrow agent within 30 days.

(ii) The escrow agent's initial re-disbursement of loan proceeds to a borrower shall not be made earlier than is reasonably necessary to meet the purposes for which the loan is made and in no case, except as approved by the Commissioner, earlier than 30 days prior to the date on which the borrower is scheduled to matriculate. A re-disbursement for the purpose of a required resident training portion of a correspondence course shall not be made until such time as the student commences resident training. The frequency and amount of the escrow agent's re-disbursements shall be determined in a manner to be prescribed by the Commissioner.

(3) If, prior to re-disbursing all of the proceeds of a loan, an escrow agent learns that a borrower has not matriculated as a student at the eligible institution for attendance at which the loan was intended by the time indicated by the institution to the lender, or that the borrower is no longer matriculated at that institution, the escrow agent shall return all of the remaining proceeds to the lender (or the subsequent holder of the loan). The lender shall treat such proceeds as a downward adjustment in the amount of the loan. The escrow agent shall assume that a borrower is not matriculated if an instrument of re-disbursement is not presented for payment within 45 days of the date it is sent to the borrower, or to an institution on his behalf.

(20 U.S.C. 1077, 1079, 1082.)

3. (If the above provisions are adopted, various technical and conforming changes will be made to other parts of Part 177.)

[FR Doc.76-32309 Filed 11-4-76;8:45 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART III:

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

LIST OF APPROVED STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

SPECIFIC APPROVAL OF STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document lists certain stockyards and slaughtering establishments as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations.

Pursuant to § 78.25(b) of the regulations (9 CFR 78.25(b)) under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

Specifically Approved Slaughtering Establishments

The following slaughtering establishments followed by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, and 78.12a, of Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of § 78.11 of said Title 9, concerning cattle from herds of unknown status. The following slaughtering establishments not followed by an asterisk are specifically approved for the purposes of § 78.11 only:

Alabama	
Florence Frozen Foods	Florence.
R. L. Zeigler Co., Inc.*	Selma.
Arkansas	
AR Valley Institutional Packing Co.*	Pine Bluff.
Broadaway Packing Co., Inc.*	Jonesboro.
Carroll Packing Co.*	Paragould.
Edwards Packing Co.*	Batesville.
Fox Slaughtering & Processing Co.*	Prairie View.
Hawthorne Packing Co.*	Hot Springs.
Hot Springs Packing Co.*	Do.
Hunt Packing Co.*	Pine Bluff.
J & J Beef Co., Inc.*	Searcy.
Kruse Packing Co., Inc.*	Alexander.
Massey Meat Co.*	Paragould.
Meachan Packing Co.*	Batesville.
Mhoon Beef Co.*	Fayetteville.
Miller Packing Co., Inc.*	Judsonia.
Mitchell Locker Plant	Sheridan.
Morrilton Packing Co., Inc.	Morrilton.
Mountain View Custom Butchering*	Mountain View.
Pocahontas Frozen Food Locker*	Pocahontas.
Reeder Meat Co.*	Arkadelphia.
Russellville Packing Co., Inc.	Russellville.
Rodman Wholesale Meats, Inc.*	North Little Rock.
Sheridan & Harold Freer, d.b.a. Freer Meats*	Ivan.
Taylor Bros. Wholesale Meats*	Gurdon.
Twin Lakes Packing Co.*	Gassville.
V.I.P. Foods	Pine Bluff.
White County Packing Inc.*	Searcy.
Wilf Packing Co.*	Pleasant Plains.
Florida	
Beall Packing House*	Bonifay.
Bristol Meat Processing*	Bristol
Brocks Meat House*	Vernon.
Chaires Circle "C" Beef*	Tall.
Corbin 4-Point Packing House*	Chipley.
Driggers & Son Meat Co.*	Jasper.
Dilmore Meats*	Cottondale.
Dozier School for Boys*	Marianna.
Easons Custom Cut Meat*	Quincy.
Esto Meat Processors, Inc.*	Esto.
Florida Packing & Provision Co., Inc.	Palatka.
H. S. Camp & Sons*	Ocala.
Gates Meat Co.*	Quincy.
Johnstons Locker Plant*	Monticello.
Jones Chambliss Co.*	Jacksonville.
Micklers Market*	Ponte Vedra.
Nettles Sausage Co.*	Lake City.
Register Meat Co.	Cottondale.
Simmons Meat Packing House*	Vernon.
S & S Meat Packing*	Green Cove Springs.
Stones Chipley Packing Co.*	Chipley.

FLORIDA—Continued

Suber's Meat Plant*	Quincy.
Taylor Industries of Santa Rosa County*	Jay.
Thompsons Meat Supply, Inc.*	Pensacola.
Tri-City Market*	Century.
Wilkerson Sausage Co.*	Glendale.
Valley Packing Co.*	McAlpin.

IDAHO

Alpine Pac*	Boise.
Boise Valley Packing*	Eagle.
Bonds Meat Packing*	Fruitland.
Clark's for Shopping, Inc.*	Oakley.
Custom Packing, Inc.*	Pocatello.
Eden Cold Storage, d.b.a. Kenneth Hutchins*	Eden.
Emmett Meat Co.*	Emmett.
Fred's Custom Butchery*	Ucon.
Gem Meat Packing Co.*	Boise.
Genesee Meats*	Genesee.
Gibson Bros. Meat*	Burley.
Glenwood Custom Pack*	Roberts.
Greenfield Packing*	Meridian.
Goodby & Sons Meats, Inc	Sandpoint.
Hi' Boy Meat	Emmett.
Hillcrest Packing Co	Nampa.
Hoehns Customs Packing*	Idaho Falls.
Hopkins Packing Co.*	Blackfoot.
Howard's Meats	Grangeville.
Hunters Pack*	Driggs.
Johnson Meats*	Kingston.
Johnston Bros	Caldwell.
Marsh Valley Packing Co.*	Downey.
Mickelsen Pack, Inc.*	Blackfoot.
Mill Stream Pack*	Malad.
Nampa Packing Co.*	Nampa.
Parr's Locker Storage*	Wendell.
P & H Custom Meats*	Wilder.
R & J Market*	Riggins.
Skow's Custom Cutting—Slaughter Plant*	Lewiston.
Sonnen's Meats	Greencreek.
Valley Meats*	Stites.
Walton's Cow Palace*	Soda Springs.
Y–J Food's Inc.*	Coeur d'Alene.

ILLINOIS

Papineau Lockers	Papineau.

LOUISIANA

Harold's*	Raceland.
Savoie's Meat Market*	Lockport.

MARYLAND

Articaire Locker Plant*	Frederick.
A & W Country Meats, Inc.*	Taneytown.
Brook Meadow Provisions Corp.*	Hagerstown.
Burger, Ray S.*	Williamsport.
Burtner's Meats*	Burkittsville.
Calvert Meats, Inc.*	Prince Frederick.
Greises Meats, Inc.*	Cumberland.
Harsh, Sr., M. D.*	Williamsport.
Hemps, Inc.*	Jefferson.
Roy L. Hoffman & Sons, Inc	Hagerstown.
Martins Meats*	Joppa.
Maurer & Miller Meats, Inc	Manchester.
Mount Airy Locker Co	Mount Airy.
135 Meat Market, Inc.*	Mountain Lake Park.
George G. Ruppersberger & Sons, Inc	Baltimore.
Schmidt, A. W., & Son, Inc.*	Do.
Shuffs Meats	Thurmont.
Shriver Meats	Emmitsburg.
Thompson's Food Market	Maryland Line.

MICHIGAN

Ada Beef Co.*	Ada.
Bay De Noc Packing*	Escanaba.
Bellefeuil Brothers*	Wilson.
Bob's Market*	Cadillac.
Brady's Midway*	Cassolopis.
Carltons Freezer Processing, Inc.*	Blissfield.
Charlotte Meats, Inc.*	Charlotte.
Custer Brothers No. 212	Nashville.
Mark De Boer & Son Wholesale Beef Co.*	St. Johns.
Dowker Packing Co., Inc.*	Gaylord.
Dunleavy & Sons*	Highland.
Eds Meat Processing*	Union City.
Feldman Bros	Detroit.

MICHIGAN—Continued

Fishers Custom Foods*	Union.
Geukes Market	Middleville.
Bert Hazekamp & Son*	Muskegon.
Hillsdale County Meat*	Waldron.
J & L Meats*	Jonesboro.
Keefer's Market*	Morenci.
Kempf's Slaughterhouse*	Milan.
Lake Superior Beef*	Dafter.
L & J Slaughter*	Lake City.
L & M Packing Co.*	Monroe.
Louie's Wholesale Meats*	Traverse City.
Ludka Packing, Inc.*	Do.
Maynard Packing Co.*	Port Huron.
Meats & Fruits by Anderson, Inc.*	Kalamazoo.
Milligans Packing Co.*	Parma.
Don Moors Farm Fresh Meats, Inc.*	Homer.
Kastel Slaughterhouse*	Rega.
Mosherville Meat Processing*	Jonesville.
Newsom's Slaughter House No. 130*	Niles.
Reznik Packing*	South Haven.
Rocheleau Meats*	Cheboygan.
Rochester Packing Co.*	Rochester.
C. Roy & Son*	Yale.
Salem Packing Co.*	Northville.
Hubert H. Smith Packing Co.*	Muskegon.
Snyder's Wholesale Beef*	Fowler.
Stanley Packing Co.*	Marshall.
Tamaren Beef Co.*	Detroit.
Terrills Super Market*	Marcellus.
Will & Son Meat Packers*	Memphis.
Ray Weeks & Sons Co., Inc.*	Richmond.
Zimmermans Market*	Marine City.

MISSISSIPPI

A & A Country Meat Packers*	Pelahatchie.
Custom Butchering Co.*	Yazoo City.
Ecru Meat Processing Plant*	Ecru.
Hinds Junior College Cold Storage*	Raymond.
Holmes County Cold Storage Co.*	Lexington.
Jackson Packing Co	Jackson.

OHIO

B.A.A.R. Inc., d.b.a. Edgerton Locker Service*	Edgerton.
Merle Bishop, d.b.a. Bishop Locker & Abattoir Plant*	Hamler.
Busse & Sons, Inc.*	Fort Loramie.
Caven's Meats, Inc.*	Conover.
Cuyahoga Meat Co.*	Cleveland.
De Luca Slaughtering Establishment*	Rayland.
William Enos, d.b.a. Enos Meats*	Cambridge.
Gibson Packing Co.*	Zanesville.
Samuel L. Gifford*	Warren.
Hall Bros., Inc.*	Olmsted Falls.
Henderson Meats*	Waterloo.
Henry Packing Co.*	Perrysburg.
Lancer Meat Processing Co., Inc.*	Troy.
Harold & Kenneth Le Page, d.b.a. Le Page Meats*	Cambridge.
Robert Lloyd, d.b.a. Lloyd's Packing Co	Youngstown.
J. E. McConnell, David McConnell & Kenneth McConnell*	Richmond.
Emery Molnar, Jr., Emery Molnar II, & Daniel G. Molnar, d.b.a. Molnar Packing Co.*	Millbury.
Mahan Packing Co.*	Bristolville.
Edward B. Meloni, d.b.a. Meloni's Packing	Kinsman.
Northmont Beef, Inc.*	Brookville.
Joseph R. Nosse	Middlefield.
J. D. Pacer Packing Co.*	Toledo.
Gary Peden, d.b.a. Peden's Meats*	Kinsman.
Steve Polansky Market, Inc.*	Amherst.
Preferred Meats, Inc.*	Sardinia.
Pride of Lima Provision Co	Lima.
Rogers Country Butcher Shop, Inc.*	Van Wert.
Carl C. Rittberger, Sr., Inc	Zanesville.
Roberts Meats*	Camden.
Rockford Locker Service*	Rockford.
St. Mary's Cooperative Locker Service*	Swanton.
Richard G. Sturgis & Charles R. Ralston, d.b.a. Sturgis Packing Co	Kenton.
Superior Beef, Inc.*	Dayton.
Suter's Meat Market*	Greenville.
Trenton Frozen Locker*	Trenton.
Valley Packing Co., Inc	Lansing.
R. F. VonderHaar, d.b.a. VonderHaar Markets, Inc.*	Port Recovery.
Majorie Weber, d.b.a. Woodsfield Packing Co.*	Woodsfield.
Werling & Son, Inc.*	Burkettsville.

OHIO—Continued

Winners Meat Farm*	Greenville.
Robert Winner Sons, Inc	Osgood.
Zink Meat Products*	Miamisburg.

OKLAHOMA

Abbott Processing Plant*	Graceland.
A & J Meat Processing*	Lawton.
Apache Meat Processing*	Apache.
B. T.'s Packing Co.*	Chickasha.
Cable Meat Center*	Marlow.
Ft. Cobb Locker*	Ft. Cobb.
Gibson Meat Co.*	Lawton.
Minco Meat Co.*	Minco.
Sterling Meat Co.*	Sterling.

SOUTH CAROLINA

Bishop Slaughtering House*	Ehrhardt.
Blue Ridge Beef*	Belton.
Blue Ridge Beef Plant, Inc.*	Pageland.
C. G. Burbage Meats*	North Charleston.
Carolina Abattoir*	Columbia.
Caughman Meat Plant*	Lexington.
Cheraw Packing Plant, Inc.*	Cheraw.
Childress Poultry Co.*	Lauren.
Conway Refrigerator & Locker Co.*	Conway.
Cottingham Packing Co.*	Dillon.
Count's Sausage Co.*	Prosperity.
Cromer's Abbattoir*	Inman.
Edgefield Locker Plant, Inc.*	Edgefield.
Fountain Inn Frozen Food Plant, Inc.*	Fountain Inn.
Gilliam Provision Co., Inc.*	Pelzer.
G & W Packing Co.*	Hickory Grove.
Greenwood Livestock Market, Inc	Greenwood.
Hemingway Refrigerator & Locker Co.*	Hemingway.
Holly Hill Locker Co.*	Holly Hill.
Kimmerlin Meats, Inc.*	Orangeburg.
Lancaster Frozen Foods, Inc.*	Lancaster.
Loris Cold Storage, Inc.*	Loris.
Lynn's Meat & Produce*	Darlington.
Marvin Meats, Inc.*	Hollywood.
Mullins Food Processing Corp.*	Mullins.
Nichols Cold Storage*	Nichols.
Oconee Abattoir*	Seneca.
Palmetto Meat & Packing Co., Inc.*	Moncks Corner.
Ravenel Abbattoir*	Ravenel.
R & R Meats*	Walterboro.
Richardson's Slaughter Plant*	Gresham.
Saluda Frozen Food Center*	Saluda.
Spartanburg Abattoir*	Spartanburg.
Sumter Frozen Foods, Inc.*	Sumter.
Taylor Stockyards, John C	Anderson.
Union Packing Co.*	Union.
Vaughn Packing Co., Inc.*	Greer.
Walker Farms Abattoir*	Anderson.
Weinburg's Sausage Plant*	Darlington.
Williamsburg Packing Co.*	Kingstree.
Wilson Sausage Co.*	Florence.
Winn's Locker Plant*	Estill.
Wright's Provision Co., Inc.*	Anderson.

TEXAS

Allen's Wholesale Meats, Inc.*	McKinney.
Anderson Slaughtering & Processing, Inc.*	Sherman.
Atlanta Locker Plant*	Atlanta.
Berryhill Packing Co., Inc.*	Levelland.
Caddo Packing Co., Inc.*	Marshall.
Graham Ice & Locker	Graham.
Haley's Meats*	Crowley.
Hensley Packing Co.*	Denton.
Morton Packing Co.*	Morton.
Nemecek Bros	West.
Peveto Packing Co.*	Orange.
Tyler Packing Co.*	Tyler.
Zummo Meat Co.	Beaumont.

VIRGINIA

George H. Meyer Sons, Inc	Richmond.
Lee Packing Co.*	Pennington Gap.
McGuire Meats*	Tazwell.
Meixels Meat Packing	Chesapeake.
Suffolk Packing Co., Inc.*	Suffolk.

WISCONSIN

Bob's Country Market	Woodville.
Buster's Cheese House	Turtle Lake.
Central Packing Co	Sullivan.
Clinton Packing, Inc	Clinton.
Coenen Packing Co	Appleton.
Dreier's Meat Market	Black Creek.
Faust, Henry & Sons	Mayville.
Feiders Meats	Belgium.
Fennie Meat Plant	Colfax.
Foss Locker Plant	Sparta.
Green County Frozen Food	Monroe.
Hagert's Locker Service	Siren.
Harry Hanson's Meat Service	Franksville.
Helland's Food & Locker Service	Juda.
Holmen Locker Service	Holmen.
Jay-Dee Cutting	Rosholt.
Kimmes Hereford Farm	Superior.
Lake Geneva Pack, Inc	Lake Geneva.
Luck Meats & Locker Service	Luck.
Marceille's Meats	Wausau.
Marchant Food, Inc	Brussels.
Paulus Market	Cedarburg.
Royal Meats*	Watertown.
Sawyer Farm & Meat Plant, Inc	East Troy.
Schroedl's Market	Jefferson.
Seymour Meat Processing	Peshtigo.
J. Schams Co	La Crosse.
S & S Meats	Stoughton.
Stemmerdink Livestock Co	Oostburg.
Stricklers Market*	New Galrus.
Super Lockers, Inc	Amery.
Tarlton Meat Products	Athelstane.
Thomson Packing Co., Inc	West De Pere.
Townsend-Pillar Packing Co	Cumberland.
Weber's Processing Plant, Inc	Cuba City.
Weinstein Packing Co	Superior.

WEST VIRGINIA

Barnharts Beef & Pork*	Hedgesville.
Bluegrass Dressing Plant*	Lewisburg.
Camp Packing Co.*	Parkersburg.
Chadwick Slaughterhouse*	Wayne.
Cloyerdale Packing, Inc	Parkersburg.
De Vault Meat Packing*	South Morgantown.
Edens Slaughterhouse*	Bills Creek.
Fancher's Meats*	Shinnston.
Greenbrier Foods, d.b.a. Jeffries Slaughterhouse	Lewisburg.
Glaspell Meats*	Shinnston.
Fotos and Co	Cranberry.
Harkers Custom Slaughtering*	Fairview.
Harris Meat Processing*	Burlington.
Hawse Food Market*	Moorefield.
Huffs Slaughtering*	Delbarton.
Hyde's Meat Market*	Interprise.
Independent Dressed Beef Co., Inc.*	South Morgantown.
Jones Custom Processing*	Ona.
Frank Kidwiler Butcher Shop*	Harpers.
Lambert Packing Co.*	Squire.
Livengood Slaughter House*	Centenary.
S. S. Logan Packing Co.*	Huntington.
Lubeck Meat Packing, Inc.*	Lubeck.
L. M. McGown & Son*	Charleston.
McDaniel Custom Butchering*	West Columbia.
Martini Packing Co., Inc	Wheeling.
Murphy's Slaughters*	Volga.
Nate Stuart & Son, Inc.*	Mount Clare.
Romney Slaughterhouse*	Romney.
Rush's Custom Slaughtering*	Fairview.
Smittle Packing*	Paden.
Spitznagle, Glen L. Slaughtering Est.*	Blacksville.
Soloman's Market	Fairview.
Staggs Meat Market*	Burlington.
Steve Davis Custom Butchering*	Fairview.
Thompson Bros.*	Brushy Fork.
Vincent's Community Market*	Shinnston.
Virts Processing Plant*	Bunker Hill.
Wade Meat Processing*	Morgantown.
Wines Weston Meats*	Weston.
Winfield Custom Slaughtering*	Winfield.
E. G. Wolfe, Jr.*	Evans.
Wooddell's Meats*	Green Bank.
Yoho's Slaughterhouse*	Pleasant Valley.
Young & Stout*	Bridgeport.
Zien Farm*	Irish Ridge.

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards followed by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8 and 78.12a, Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of §§ 78.9, 78.10 and 78.11 of said Title 9, concerning cattle not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status. The following stockyards not followed by an asterisk are specifically approved for the purposes of §§ 78.9, 78.10 and 78.11 only:

ALABAMA

Alabama Livestock Auction, Inc.*	Uniontown.
Arab Stockyards*	Arab.
C. L. Chambers & Son*	Brundidge.
Chatom Livestock Auction Co-operative*	Chatom.
Cherokee County Stockyard*	Centre.
Cleburne County Livestock Sales, Inc.*	Ranburne.
Conecuh Stock*	Evergreen.
Cullman Stockyard*	Cullman.
Dadeville Stockyards, Inc.*	Dadeville.
Dothan Livestock Auction, Inc.*	Dothan.
Enterprise Livestock Auction, Inc.*	Enterprise.
Escambia County Cooperative, Inc.*	Brewton.
Farmers Livestock Co-op*	Elba.
Farmers Cooperative Market, Inc.*	Frisco City.
Do	Opp.
Fayette Stockyards, Inc.*	Fayette.
Florence Trading Post*	Florence.
Fort Payne Stockyard*	Fort Payne.
Geneva Stockyards, Inc.*	Geneva.
Gray & Sons Stockyard*	Clanton.
Headland Stockyards, Inc.*	Headland.
Henry County Livestock Association, Inc.*	Abbeville.
Hodges Stockyard, Inc.*	Montgomery.
Hooper Stockyard, Inc.*	Do.
Kennamer Livestock Commission Co.*	Guntersville.
Kennett-Murray Co.*	Montgomery.
L. A. Roll & Son Cattle Co.*	Do.
Limestone County Stockyard, Inc.*	Athens.
Linden Stockyard*	Linden.
Livingston Stockyard*	Livingston.
Louisville Livestock Co., Inc.*	Louisville.
Madison County Livestock Co*	Huntsville.
Marion Stockyard, Inc.*	Marion.
Northwest Alabama Livestock Assn.*	Russellville.
Pickens County Livestock Co.*	Aliceville.
Roanoke Stockyard, Inc.*	Roanoke.
Robertsdale Livestock Auction, Inc.*	Robertsdale.
Stokes & Brogden Stockyard, Inc.*	Andalusia.
Tri-County Stockyards, Inc.*	Hurtsboro.
Valley Stockyard*	Decatur.
Wallace Livestock Auction, Inc.*	Ashville.
Triple S Stockyards, Inc.*	Montgomery.
West Alabama Stockyard*	Eutaw.
White's Livestock Auction*	Morris.
Winfield Livestock Commission Co.*	Winfield.

ARIZONA

Arizona Livestock Auction, Inc.*	Phoenix.

ARKANSAS

Allen Brothers Magnolia L/S Auction*	Magnolia.
Arkansas National Stockyards, Inc.*	Little Rock.
Ash Flat Livestock Auction, Inc.*	Ash Flat.
Atkins Livestock*	Atkins.
Beebe Auction Co.*	Beebe.
Bentonville Livestock Auction*	Bentonville.
Bob Gorden Livestock Auction*	Mena.
Boone County Livestock Auction*	Harrison.
Carroll County Livestock Auction*	Berryville.
Cattlemen's Livestock Market*	Glenwood.
Central Arkansas Auction*	Morrilton.
Clark County Livestock Auction Co.*	Arkadelphia.
Cleburne County L/S Auction*	Heber Springs.
Corning Livestock Auction, Inc.*	Corning.
County Line Sale Barn, Inc.*	Ratcliff.
Decatur Livestock Auction*	Decatur.
Drew County Auction Sale*	Monticello.
Farmers Livestock Auction*	Springdale.
Farmers & Ranchers Livestock Auction*	Mountain View.
Fulton County Auction*	Salem.
Glover Livestock Commission Co.*	Pine Bluff.
Harrison Stockyard Auction, Inc.*	Harrison.
Hope L/S Auction, Inc.*	Hope.
Jonesboro Stockyard*	Jonesboro.

ARKANSAS—Continued

Major Lewis Livestock Auction*	Conway.
McCracken Livestock Auction, Inc.*	Batesville.
Montgomery County Auction*	Mount Ida.
Montgomery Livestock Auction*	Searcy.
Mountain Home Livestock Auction, Inc.*	Mountain Home.
Nettleton Stockyards*	Jonesboro.
North Arkansas Livestock Auction*	Green Forest.
Nuel Hill Livestock Auction*	Batesville.
Paragould Livestock Auction*	Paragould.
Purcell Livestock*	Purcell.
Randolph County Livestock Auction*	Pocahontas.
Rector Auction Barn, Inc.*	Rector.
Saline-Ouachita Valley Commission Co.*	Warren.
Scott County Livestock Auction*	Waldron.
Searcy County Auction Co.*	Marshall.
Shantz Livestock Auction*	North Little Rock.
Siloam Springs Sale Barn*	Siloam Springs.
Van Buren County Auction*	Clinton.
Washington County Sales Co.*	Fayetteville.

COLORADO

Alamosa Auction*	Alamosa.
A. A. Blakley Livestock Commission Co., Inc.*	Denver.
Basin Livestock Commission Co., Inc.*	Durango.
Brush Livestock Commission Co.*	Brush.
Burlington Livestock Market Center*	Burlington.
Burlington Producers Livestock Marketing Association*	Do.
Calhan-Cash Auction Market*	Calhan.
Cortez Livestock Auction, Inc.*	Cortez.
Delta Sales Yard*	Delta.
Elizabeth Livestock Auction*	Elizabeth.
Farmer & Rancher Livestock Commission Co.*	Fort Collins.
Fowler Auction Co.*	Fowler.
Greeley Producers Association*	Greeley.
Hotchkiss Sale Yard*	Hotchkiss.
K & R Livestock Commission Co.*	Broomfield.
La Junta Livestock Commission Co.*	La Junta.
Lamar Livestock Commission Co.*	Lamar.
Limon Livestock Auction Co.*	Limon.
Livestock Exchange, Inc.*	Brush.
Longmont Sale Yard*	Longmont.
Monte Vista Livestock Commission Co., Inc.*	Monte Vista.
Ranchland Livestock Commission Co., Inc.*	Wray.
Rifle Livestock Inc.*	Rifle.
Salida Livestock Sales, Inc.*	Salida.
Sterling Livestock Commission Co., Inc.*	Sterling.
Stratton Livestock Marketing Center*	Stratton.
Valley Livestock Auction Co.*	Grand Junction.
Winter Livestock Commission Co.*	La Junta.
Yuma Livestock Auction*	Yuma.
Zavislan Livestock Auction*	Pueblo.

DELAWARE

Carroll's Sales, Inc.*	Felton.

FLORIDA

Cattleman's Livestock Auction of Tampa, Inc	Tampa.
Chipley Livestock Co.*	Chipley.
Interstate Livestock Auction Market	Seffner.
Jacksonville Livestock Auction, Inc.*	Whitehouse.
Jay Livestock Auction Market*	Jay.
Madison Livestock Auction Market, Inc.*	Madison.
Monticello Livestock Market, Inc	Monticello.
Neel & Edwards Livestock Co.*	Quincy.
Suwannee Packing Co	Live Oak.
Tindel Livestock Auction Market, Inc.*	Graceville.
Union Correctional Center*	Raiford.
West Florida Livestock Market, Inc.*	Marianna.

GEORGIA

Bainbridge Auction Market, Inc.*	Bainbridge.
Carroll County Livestock Sales Barn*	Carrollton.
Franklin County Livestock Market*	Carnesville.
Georgia Farm Products Sales Corp.*	Thomaston.
Lanierland Livestock Auction	Gainesville.
Pierce County Stock Yard, Inc.*	Blackshear.
Sumter County Livestock Assn.*	Americus.
Toccoa Livestock Auction*	Toccoa.
Wheeler Brothers Livestock Market*	Eastonolle.

IDAHO

Blackfoot Livestock Commission Co.*	Blackfoot.
Bledsoe Packing Co.*	Rupert.
Boise Valley Livestock Commission Co.*	Caldwell.
Bonners Ferry Livestock, Inc.*	Bonners Ferry.

IDAHO—Continued

Bryant Packing Co.*	Burley.
Cache Valley Auction*	Preston.
Cattleman's Livestock Auction Inc., d.b.a. Treasure Valley Livestock Auction*	Caldwell.
Coeur d'Alene Livestock, Inc.*	Coeur d'Alene.
Cottonwood Sales Yard*	Cottonwood.
Custer County Livestock Marketing Association	Mackay.
Emmett Livestock Commission Co.*	Emmett.
Gooding Livestock Commission Co., Inc.*	Gooding.
Hubbard Packing Co.*	Preston.
Idaho Falls Meat, Inc.*	Idaho Falls.
Idaho Livestock Auction*	Do.
Jerome Producer's Livestock*	Jerome.
Jones Custom Meats*	Rigby.
Nampa Livestock Market, Inc.*	Nampa.
Peoples Quality Pack	Rupert.
Ranchers Auction Co., Inc.*	Twin Falls.
Rexburg Livestock Auction*	Rexburg.
Shoshone Salesyard, Inc.*	Shoshone.
Spencer Livestock Commission Co.*	Lewiston.
Twin City Sales Yard, Inc.*	Do.
Twin Falls Livestock Commission Co.*	Twin Falls.
Valley Livestock Commission Co.*	Rupert.
Weiser Livestock Commission Co.*	Weiser.

ILLINOIS

Barnard Livestock Auction Market*	Wayne City.
Barry Livestock Marketing Center*	Pacatonia.
Bloomington Livestock Commission Co.*	Bloomington.
Breed's Livestock Sales*	Elizabeth.
Carthage Livestock Auction*	Carthage.
Chicago-Joliet Marketing Center, Inc.*	Joliet.
Dameron Livestock Auction, Inc.*	Vienna.
Decker's Livestock Inc.*	Milford.
De Wane Livestock Exchange*	Belvidere.
Greenville Livestock, Inc.*	Greenville.
Heinold Cattle Market*	Brookport.
Heinold Livestock Sales*	El Paso.
Interstate Producers Livestock Association*	Shelbyville.
Jennings Sale Co.*	Macomb.
Kankakee Livestock Co.*	Bourbonnais.
Kewanee Sale Barn*	Kewanee.
Mercer County Livestock Auction*	Viola.
Rock Island Auction Sales, Inc.*	Rock Island.
Harry Schrader Marketing Center*	Dakota.
Winslow Marketing Center, Inc.*	Winslow.

INDIANA

Boswell Salebarn*	Boswell.
Central Carolina Livestock Market, Inc	Lugoff.
Claypool Sales, Inc.*	Silver Lake.
Delta Livestock Auction & Commission Co.*	Fort Wayne.
Henry County Livestock Auction*	New Castle.
Lowell Livestock Auction*	Lowell.
Producers Marketing Association, Inc.*	Centerville.
Producers Marketing Association*	Columbia City.
Do	West Lafayette.
Do	Montpelier.
Do	Terre Haute.
Reynolds Salebarn*	Reynolds.
Shipshewana Livestock Auction*	Shipshewana.
Stoney Pike Salebarn*	Logansport.
Topeka Livestock Auction, Inc.*	Topeka.
Valparaiso Community Salebarn*	Valparaiso.

IOWA

Ackley Sales Pavilion	Ackley.
Adams County Livestock Auction	Corning.
Adel Sales Pavilion	Adel.
Albia Sales Co., Inc	Albia.
Algona Livestock Auction & Exchange	Algona.
Anamosa Livestock Auction Sales	Anamosa.
Anita Livestock Auction Co	Anita.
Aplington Livestock Auction, Inc	Aplington.
Audubon County Livestock Exchange	Audubon.
Avoca Auction Co	Avoca.
Bedford Sales Co	Bedford.
Beemer Livestock Auction	Gravity.
Belle Plaine Livestock Auction, Inc.*	Belle Plaine.
Bingley Sale Company, Inc.*	Knoxville.
Bleil & Chapman Livestock Auction	Moville.
Bloomfield Livestock Market, Inc	Bloomfield.
Bradley Livestock Auction	Red Oak.
Carroll Livestock Sales	Carroll.

IOWA—Continued

Cascade Sales Barn	Cascade.
Cedar Valley Livestock Exchange	Vinton.
Centerville Sales Co	Centerville.
Central Iowa Stockyards	Webster City.
Chariton Sales, Inc	Chariton.
Clarinda Auction Co	Clarinda.
Phil Clark & Sons Sales Co	Knoxville.
Clear Lake Auction	Clear Lake.
Climbing Hill Stockyards	Climbing Hill.
Colfax Livestock Sales Co	Colfax.
Columbus Junction Livestock Market, Inc	Columbus Junction
Coggon Livestock Sales Co	Coggon.
Creston Auction Co	Creston.
De Vries Auction	Buffalo Center.
Dunlap Livestock Auction*	Dunlap.
Dyersville Sales Barn	Dyersville.
Eddyville Sale Co	Eddyville.
Edgewood Sales Barn, Inc	Edgewood.
Elkader Sales Barn*	Elkader.
Fairfield Livestock Commission	Fairfield.
Farmers Auction Market	Eldora.
Farmers Livestock Auction	Carroll.
Fonda Livestock Sales	Fonda.
Forest City Cow Palace	Forest City.
Greenfield Commission Sale, Inc	Greenfield.
Grinnell Livestock Exchange	Grinnell.
Guthrie Stock Pavilion*	Guthrie Center.
Hampton Auction Sales	Hampton.
Hawkeye Livestock Auction	Fairfax.
Humeston Livestock Auction*	Humeston.
Independence Sales Co., Inc	Independence.
Interstate Producers Livestock Association	Waukon.
Irwin Commission Co	Irwin.
Jake Zoet Livestock Co	Sheldon.
Jansma & Van Kley	Sioux Center.
Kalona Sales Barn, Inc	Kalona.
Keoco Auction Co	Sigourney.
Keosauqua Sale Co., Inc.*	Keosauqua.
Kimballton Auction Co	Kimballton.
Lamoni Livestock Sales Co.*	Lamoni.
Le Mars Livestock Sales Co	Le Mars.
Lenox Livestock Auction	Lenox.
Leon Sales	Leon.
Livestock Auction	Denison.
Lizer Livestock Auction, Inc	Gowrie.
Madison County Auction	Winterset.
Mapleton Livestock Sales Co	Mapleton.
Maquoketa Sales Co., Inc	Maquoketa.
Marengo Livestock Commission Co., Inc	Marengo.
Massena Livestock Auction	Massena.
Mechanicsville Sale Barn	Mechanicsville.
Middletown Auction Sales, Inc	Middletown.
Monticello Sales Barn	Monticello.
Montezuma Sales Co., Inc	Montezuma.
Moorhead Auction Co	Moorhead.
Mount Ayr Livestock Market	Mount Ayr.
Northeast Iowa Sales Commission	Waukon.
North Iowa Livestock Exchange	Garner.
Nesvik Livestock Market	Spirit Lake.
New Liberty Livestock Auction*	New Liberty.
Northside Sales Co	Sibley.
Oelwein Dairy Sales	Oelwein.
Oelwein Livestock Exchange	Do.
Ollie Livestock Exchange	Ollie.
Orient Sales Co., Inc	Orient.
Osceola Sales Co	Osceola.
Oskaloosa Livestock, Inc	Oskaloosa.
Perry Sales Pavilion	Perry.
Petersen Sheep & Cattle Co., Inc	Spencer.
Riceville Sale Pavilion	Riceville.
Rock Valley Sales Co	Rock Valley.
Rubey Auction Co	Red Oak.
Russell Sales Co., Inc	Russell.
Sales Co. of Hawarden, Inc	Hawarden.
Sheldon Livestock Co., Inc	Sheldon.
Shenandoah Livestock Auction, Inc	Shenandoah.
Sioux City Stockyards*	Sioux City.
Spencer Dairy Cattle Exchange	Spencer.
Spencer Livestock Sales, Inc	Do.
Spencer North Y Auction	Do.
Stanton Livestock Auction Market	Stanton.
Storm Lake Auction Co	Storm Lake.
Story City Auction Sales	Story City.

IOWA—Continued

Stuart Sales Co	Stuart.
Tama Livestock Auction, Inc.*	Tama.
Thielen Cattle Co	Harlan.
Thompson Livestock Commission Co., Inc	Lamoni.
Tri-State Livestock Auction Co., Inc	Sioux Center.
Traer Auction Co., Inc	Traer.
United Livestock Auction Inc	Maquoketa.
Van's Calf Farm	Hospers.
Van Wyk Calf Farm	Le Mars.
Waitt Cattle Co	Sioux City.
Walker Sales Co	Walker.
Wapello Livestock Sales, Inc.*	Wapello.
Washington Livestock Auction Market, Inc	Washington.
Waverly Sale Co	Waverly.
Wayland Livestock Auction Market	Wayland.
West Union Auction Exchange	West Union.
Winneshiek Co-op Sales Commission	Decorah.

KANSAS

Allen County Livestock Auction*	Gas City.
Anderson County Sale Co.*	Garnett.
Anthony Livestock Co.*	Anthony.
Atchison County Auction Co., Inc.*	Atchison.
Atwood Sale Barn, Inc.*	Atwood.
Beloit Livestock Auction, Inc.*	Beloit.
Caldwell Community Sale*	Caldwell.
Cedar Vale Sales Co.*	Cedar Vale.
Central Livestock Corp.*	South Hutchinson.
Chandler Livestock Auction*	Smith Center.
Chanute Livestock Auction*	Chanute.
Circle "L" Livestock Sale*	Liberal.
Clay Center Livestock Co., Inc.*	Clay Center.
Coffey County Livestock Market*	Burlington.
Coffeyville Livestock Sales Co., Inc.*	Coffeyville.
Colby Livestock Auction*	Colby.
Coldwater Commission Co.*	Coldwater.
Council Grove Livestock Commission Co.*	Council Grove.
Dighton Livestock Auction Market, Inc.*	Dighton.
Dodge City Livestock Commission Co., Inc.*	Dodge City.
Douglass Livestock Commission Co.*	Douglass.
El Dorado Livestock Auction*	El Dorado.
Emporia Livestock Sales Co., Inc.*	Emporia.
Eureka Auction Sale*	Eureka.
Farmers & Ranchers Commission Co.*	Salina.
Farmers Livestock Exchange, Inc.*	Wakarusa.
Fort Scott Sale Co., Inc.*	Fort Scott.
Franklin County Sale Co., Inc.*	Ottawa.
Fredonia Livestock Sales Co., Inc.*	Fredonia.
Garden City Sale Co., Inc.*	Garden City.
Glasco Livestock Exchange*	Glasco.
Goodland Livestock Commission Co.*	Goodland.
Great Bend Livestock Commission, Inc.*	Great Bend.
G & V Cattle Co.*	Elkhart.
Hansen Livestock Auction*	Concordia.
Hays Livestock Market Center*	Hays.
Herington Livestock Commission Co.*	Herington.
Hiawatha Auction Co.*	Hiawatha.
Hill City Sale Barn*	Hill City.
Hoxie Livestock Sales Co.*	Hoxie.
Hutchinson Livestock Commission Co.*	Hutchinson.
Holton Community Sale*	Holton.
Holton Livestock Exchange, Inc.*	Do.
Iola Community Sale*	Iola.
Junction City Livestock Sales*	Junction City.
Kingman Community Sale*	Kingman.
Kiowa Sales Co., Inc.*	Kiowa.
Larned Livestock Market Center*	Larned.
Lawrence Livestock Sale Co., Inc.*	Lawrence.
Manhattan Comm. Co., Inc.*	Manhattan.
Mankato Livestock, Inc.*	Mankato.
Marysville Livestock Commission Co.*	Marysville.
McKinley-Winter Livestock Commission Co., Inc.*	Dodge City.
Medicine Lodge Sale Co., Inc.*	Medicine Lodge.
Miami County Livestock Co., Inc.*	Paola.
Moline Auction Co.*	Moline.
Norton Livestock Auction, Inc.*	Norton.
Oakley Livestock Commission Co., Inc.*	Oakley.
Oberlin Livestock Commission Co., Inc.*	Oberlin.
Onaga Livestock Commission Co.*	Onaga.
Osborne Livestock Commission Co., Inc.*	Osborne.
Overbrook Livestock Auction*	Overbrook.
Parsons Livestock Auction, Inc.*	Parsons.
Phillipsburg Sales Co., Inc.*	Phillipsburg.

KANSAS—Continued

Plainville Livestock Commission Co., Inc.*	Plainville.
Pratt Livestock Commission Co.*	Pratt.
Quinter Livestock Commission Co.*	Quinter.
Reynolds Livestock Sales*	Abilene.
Rush County Livestock Sale*	La Crosse.
Russell Livestock Commission Co.*	Russell.
Sabetha Livestock Auction*	Sabetha.
Sylvan Sales Co., Inc.*	Sylvan Grove.
Syracuse Sale Co.*	Syracuse.
Turon Sales Co., Inc.*	Turon.
Wakeeney Livestock Commission Co., Inc.*	Wakeeney.
Wichita Union Stockyards*	Wichita.
Winfield Livestock Auction Co., Inc.*	Winfield.
Zima Livestock Sales Co.*	Emmett.

KENTUCKY

Albany Stockyards*	Albany.
R. B. Berry & Son Livestock Co., Inc	Clinton.
Blue Grass Stockyards Inc.*	Lexington.
Bowling Green Livestock Market, Inc.*	Bowling Green.
Bourbon Stockyards Co., Inc.*	Louisville.
Bourbon Livestock Center*	Bowling Green.
Boyle County Stockyards*	Danville.
Breckenridge County Livestock Center*	Irvington.
Brown Livestock Co	Clinton.
Bullitt County Stockyards*	Shepherdsville.
Burkesville Stockyard*	Burkesville.
Carnes Livestock Market	Leitchfield.
Catlettsburg Livestock Sales Co.*	Catlettsburg.
Christian County Livestock Market, Inc.*	Hopkinsville.
Clay-Wachs Stockyards*	Lexington.
Edmonton Livestock Market*	Edmonton.
Elizabethtown NFO Reload*	Glendale.
Farmers Commission Co.*	Tompkinsville.
Farmers Livestock Market*	London.
Do	Mayfield.
Farmers Livestock Market of Glasgow, Inc.*	Glasgow.
Farmers Stockyard*	Flemingsburg.
Franklin-Simpson Livestock Co.*	Franklin.
Gamaliel, Kentucky Livestock Auction, Inc.*	Gamaliel.
Garfield Auction Barn*	Garfield.
Garrard Stockyards Co.*	Lancaster.
Glasgow Livestock Market*	Glasgow.
Graves County Livestock, Inc	Mayfield.
Grayson County Stockyard Market, Inc.*	Leitchfield.
Green County Stockyards	Greensburg.
Hart County Livestock Market*	Munfordville.
Henry County Stockyard, Inc.*	Sulphur.
Horse Cave Stockyard	Horse Cave.
Kentuckiana Livestock Market*	Owensboro.
Kentucky-Tennessee Livestock Market, Inc.*	Guthrie.
King Livestock Co., Inc.*	Hopkinsville.
Laurel Sales Co.*	London.
Logan County Livestock Market, Inc.*	Russellville.
Fred Madison & Sons Sale Barn	Bowling Green.
Madison Sales Co.*	Richmond.
Mammoth Cave Marketing Corp.*	Smiths Grove.
Mantle Stockyards	Bardwell.
Maysville Stockyards*	Maysville.
Morganfield Stockyard*	Morganfield.
Murray Livestock Co.*	Murray.
NFO Freedom Collection Point*	Mount Herman.
Ohio Valley Producers Livestock Assn., Inc	Clinton.
Owen County Stockyards*	Owenton.
Owsley County Stockyards*	Booneville.
Paducah Livestock Auction*	Paducah.
Paintsville Livestock Market	Paintsville.
Paris Stockyards, Inc.*	Paris.
Pennyrile Stockyard, Inc.*	Hopkinsville.
Ratliff Stockyard*	Mount Sterling.
Russell County Stockyards	Russell Springs.
Schneider & Colston Sale Barn*	Walton.
Somerset & Pulaski County Livestock Market, Inc.*	Somerset.
Taylor County Stockyards*	Campbellsville.
Washington County Livestock Center*	Springfield.
Wayne County Livestock Market*	Monticello.
West Kentucky Land & Cattle Co., Inc.*	Marion.
Williamstown Stockyards, Inc.*	Williamstown.
Winchester Stockyards*	Winchester.

LOUISIANA

Abbeville Commission Co.*	Abbeville.
Amite Livestock Co., Inc.*	**Amite.**
Bastrop Livestock Auction*	Bastrop.
Clark Livestock Commission Co.*	Benton.
Delhi Livestock Auction, Inc.*	Delhi.
De Quincy Livestock Commission Co.*	De Quincy.
De Ridder Livestock Commission Co.*	De Ridder.
A. Dominique's Cow Palace Inc.*	Marksville.
Dominique Stockyards, Inc.*	Baton Rouge.
Dominique's Inc.*	Opelousas.
Eunice Stockyards, Inc.*	Eunice.
Farmer & Stockman*	Clarence.
Franklin Livestock Auction*	Winnsboro.
Guilbeau-Kennedy Stockyards*	Opelousas.
Guilbeau-Kennedy Stockyards, Inc.*	Baton Rouge.
W. H. Hodges & Company, Inc.*	Crowley.
Do	New Roads.
Do	Alexandria.
Homer Livestock Commission Co.*	Homer.
Jennings Tate Commission Barn, Inc.*	Ville Platte.
Kentwood Livestock Sales*	Kentwood.
Livestock Producers, Inc.*	Bossier City.
Bill Lyles Auction*	Grand Cane.
Lum Brothers Stockyards, Inc.*	Vidalia.
Mansfield Livestock Auction*	Mansfield.
Micelle's Commission Yard, Inc.*	Lake Charles.
Raceland Stockyards*	Raceland.
Red River Livestock Auction*	Armistead.
Voiron's Stockyard*	Thibodaux.
West Monroe Livestock Auction, Inc.*	West Monroe.

MAINE

Crosman's Livestock Sales	Corinna.
Ben Tilton & Sons	Corinth.

MARYLAND

Aberdeen Sales Co., Inc.*	Aberdeen.
Baltimore Livestock Exchange*	West Friendship.
Cumberland Stockyards, Inc.*	Cumberland.
Farmers Livestock Exchange, Inc.*	Boonsboro.
Farmers Market & Auction	Charlotte Hall.
Four States Livestock Auction, Inc.*	Hagerstown.
Frederick Livestock Auction, Inc.*	Frederick.
Friends Stockyards, Inc.*	Accident.
Grantsville Community Sales, Inc.*	Grantsville.
Hunters Sale Barn, Inc	Rising Sun.
Harry Rudnick & Sons, Inc.*	Galena.
Western Maryland Stock Yards, Inc.*	Westminster.
Woodsboro Livestock Sales	Woodsboro.

MASSACHUSETTS

Farmers Live Animal Market Exchange, Inc. (FLAME)*	Littleton.
Michelson's Livestock Commission Auction, Inc.*	South Easton.
Northampton Co-op. Auction Market*	Whately.

MICHIGAN

Andy Adams Sale Barn	Hillsdale.
Coldwater Livestock Auction	Coldwater.
Dundee Livestock Sale	Dundee.
Michigan Livestock Exchange	Cassopolis.
Napoleon Livestock Auction	Napoleon.

MINNESOTA

Arends Sale Yard, Inc	Blue Earth.
Canby Livestock Sales Co	Canby.
East-Central Livestock Auction, Inc	Mora.
Jim Erickson Livestock	Mabel.
Farmers Livestock Auction Market	Caledonia.
Ivanhoe NFO Collection Point	Ivanhoe.
Kasson Livestock Exchange	Kasson.
Lanesboro Sales Commission, Inc	Lanesboro.
Lewiston Livestock Market	Lewiston.
Luverne Livestock Auction	Luverne.
Pipestone Livestock Auction*	Pipestone.
Rush City Livestock Market, Inc	Rush City.
St. Paul Union Stockyards*	St. Paul.
Spring Grove Livestock Exchange, Inc	Spring Grove.
Spring Valley Sales Co., Inc	Spring Valley.
Top Livestock Auction	Edgerton.
Truman Livestock Sales	Truman.
Zumbrota Livestock Auction Market, Inc	Zumbrota.

MISSISSIPPI

Alcorn County Stockyards*	Corinth.
Askew's Buying Station*	Edwards.
Baker Commission Co.*	Batesville.
Billingsley's Auction Sale Inc.*	Senatobia.
Booneville Commission Co.*	Booneville.
Carl's Commission Co	Pontotoc.
Central Livestock Co.*	Brandon.
Central Mississippi Livestock Commission Co.*	Carthage.
Chickasaw Livestock Auction, Inc.*	Houston.
Corinth Livestock, Inc.*	Corinth.
Cow Palace, Inc.*	McComb.
Decatur Stockyards, Inc.*	Decatur.
Dixie Stockyards, Inc.*	Meridian.
East Mississippi Farmers Livestock Co.*	Philadelphia.
Farmers Auction Co.*	Mountain View.
Fruitland Livestock Auction, Inc	Jackson.
George County Stockyard, Inc.*	Lucedale.
George Ford Stockyard*	Pontotoc.
Glynn Robinson Stockyard, Inc.*	West Point.
Graves Livestock, Inc.*	Winona.
Grenada Livestock Exchange*	Grenada.
Harrell Stockyard, Inc.*	Morton.
Jackson Union Stockyard, Inc. & Quinn Bros., Inc.*	Jackson.
Kosciusko Stockyard, Inc.*	Kosciusko.
Lipscomb Commission Co.*	Como.
Laurel Stockyards*	Laurel.
Lexington Sales Co.*	Lexington.
Liberty Livestock*	Liberty.
Lincoln County Livestock Commission, Inc.*	Brookhaven.
Livestock Producers Association*	Tylertown.
Lum Commission Co.*	Vicksburg.
Meridian Order Buyers*	Meridian.
Meridian Stockyards, Inc.*	Do.
Mid-Mississippi Livestock, Inc.*	Canton.
Mid-South Order Buyers*	Jackson.
Mississippi Livestock Producers Association*	Do.
Natchez Stockyards, Inc.*	Natchez.
New Albany Sales Co.*	New Albany.
Oxford Livestock Commission Co.*	Oxford.
Pontotoc Livestock Commission Co.*	Pontotoc.
Ranchers & Farmers Livestock Commission Co.*	Macon.
Ranchers & Farmers Livestock Commission Co. of Starkville*	Starkville.
Ripley Sales Co.*	Ripley.
Ross Cattle Company, Inc.*	Terry.
S & A Livestock, Inc.*	Tupelo.
Smith Brothers Stockyard, Inc.*	Poplarville.
Southeast Mississippi Livestock Farmers Association*	Hattiesburg.
Southwest Livestock, Inc.*	Lorman.
Spicer Livestock, Inc.*	Tupelo.
Stockyard Beef Sales, Inc.*	Do.
Stockyard Dairy Sales, Inc.*	Do.
Stringer Sale Barn*	Columbia.
Tadlock Stockyards*	Forest.
Tri-County Stockyards, Inc.*	Tupelo.
Tri-State Stockyards, Inc.*	Greenville.
Walnut Sales Co.*	Walnut.
Wilbanks Stockyard*	Carthage.

MISSOURI

Alton Sale Co	Alton.
Ava Sales Co.*	Ava.
Beck and McCord Auction Co.*	Sikeston.
Benton County Producers Association	Warsaw.
Blansit Dairy Cattle Company, Inc	Ozark.
Bollinger County Livestock Producers Association	Marble Hill.
Boonville Livestock Auction*	Boonville.
Brunswick Sale Co.*	Brunswick.
Buffalo Livestock Auction	Buffalo.
Cabool Livestock Market*	Cabool.
Callao NFO Collection Point	Callao.
Callaway Livestock Auction*	Fulton.
Callaway Stock Sales Co.*	Do.
W. R. Cantrell & Sons Sale Co.*	Archie.
Carrollton Livestock Auction*	Carrollton.
Cassville Livestock Market, Inc.*	Cassville.
Cattlemen Auction Company, Inc.*	Humansville.
Central Livestock Market*	Poplar Bluff.
Central Missouri Livestock Auction, Inc.*	Mexico.
Central Missouri Sales Co.*	Sedalia.
Central Ozarks Livestock Market, Inc.*	West Plains.
Charleston Auction Co.*	Charleston.
Chillicothe Livestock Market*	Chillicothe.
Circle S. Livestock Market	Stanberry.

MISSOURI—Continued

City Scales*	West Plains.
Clark County Sales Co.*	Kahoka.
Columbia Livestock Auction Market, Inc.*	Columbia.
Concordia Livestock Auction*	Concordia.
Deberry Livestock Exchange	Richland.
Dent County Livestock Improvement Association	Salem.
Downing Stockyards*	Downing.
Edina Auction Market, Inc.*	Edina.
El Dorado Sales Co.*	El Dorado Springs.
Fair Play Livestock Auction	Fair Play.
Farmers Auction Co.*	Mountain View.
Farmers & Traders Commission Co., Inc	Palmyra.
Farmington Auction Market*	Farmington.
Five County Collection, Inc	Mountain Grove.
4 Corners Collection Point (NFO)	Hunnewell.
Four State Livestock Auction Center, Inc	Diamond.
Fortuna NFO Collection Point	Fortuna.
Four Rivers Collection Point	Labadie.
Four-Square Markets, Inc.*	Marshall.
Franklin County Livestock Association*	Sullivan.
Fredericktown Auction Company, Inc.*	Fredericktown.
Fruitland Livestock Auction, Inc.*	Jackson.
Gallatin Livestock Auction*	Gallatin.
Grant City Livestock Market	Grant City.
Green City Auction Market, Inc.*	Green City.
Hayes Cattle Co	Chillicothe.
Hinds Sale Co.*	Memphis.
Howard County NFO Collection Point	Armstrong.
Interstate Livestock Market, Inc.*	Bethany.
Interstate Producers Livestock Association	Cuba.
Do	Perryville.
Do	Silva.
Ireland & Thorne Livestock Market Center, Inc.*	Trenton.
Johnson County Livestock Market	Warrensburg.
Joplin Stockyards, Inc.*	Joplin.
Kohoka Sale Company, Inc.*	Kahoka.
Kansas City Stockyards Co.*	Kansas City.
Kelly Auction Service Livestock Sales*	Mountain Grove.
Kennett Sales Co., Inc	Kennett.
Kingsville NFO Collection Point	Kingsville.
Kingsville Livestock Auction	Do.
Kirksville Community Sale, Inc.*	Kirksville.
La Clede County Livestock Association	Lebanon.
La Monte NFO Livestock	La Monte.
Lewis County Auction Co.*	Lewiston.
Lexington Livestock Auction*	Lexington.
Licking Auction Sales*	Licking.
Lincoln County Livestock Market*	Troy.
Lindsay Livestock Auction, Inc.*	Lebanon.
Linn County Auction, Inc	Brookfield.
Lockwood Community Sales*	Lockwood.
Lolli Sale Pavilion*	Macon.
Mansfield Livestock Auction, Inc.*	Mansfield.
Maries County Livestock Producers Association	Vienna.
Marshall Livestock Auction*	Marshall.
Maryville Livestock Market, Inc	Maryville.
Maysville NFO Collection Point	Amity.
McDonald County Livestock Market	Jane.
Mercer County Producers Association	Princeton.
Mercer County Sale Co.*	Do.
Meta Collection Point, Inc	Meta.
Mid-West Livestock Auction, Inc.*	Milan.
Mid-West Livestock Market, Inc.*	Nevada.
Moberly Auction Co.*	Moberly.
Montgomery County Livestock Auction Co.*	Montgomery City.
C. H. Moore & Son Livestock Yards	Memphis.
Nevada Livestock Auction Co., Inc.*	Nevada.
New Cambria Livestock Auction*	New Cambria.
Northeast Missouri Producers Association	Memphis.
Odessa Community Sale*	Odessa.
Olean Livestock Market, Inc.*	Olean.
Oregon Livestock Sales Co	Oregon.
Osage County Livestock Producers Association	Linn.
Palmyra Livestock Auction Market, Inc.*	Palmyra.
Pasley Auction Co.*	Osceola.
Phelps County Livestock Improvement Association	St. James.
Pike County Livestock Market*	Bowling Green.
Platte County Sale Co.*	Platte City.
Poplar Bluff Sales Co., Inc.*	Poplar Bluff.
Potosi Livestock Market*	Potosi.
Charles Reed Livestock	Mountain Grove.
Putnam County Livestock Marketing Association	Unionville.

MISSOURI—Continued

Puxico Stockyards & Auction Co.	Puxico.
Rich Hill Sales Co.*	Rich Hill.
Ripley County Livestock Producers Association, Inc.	Doniphan.
Roberts Bros. Auction	Bolivar.
Rock Port Sales Pavilion, Inc.	Rock Port.
Saint Joseph Stockyards*	St. Joseph.
Salem Auction*	Salem.
St. Clair Livestock Auction*	St. Clair.
Savannah Sale Co., Inc.	Savannah.
Schuyler County Sale Co., Inc.*	Lancaster.
Seaton Livestock Auction, Inc.*	Nixa.
Sedgewickville Auction Market, Inc.*	Sedgewickville.
Shelbina Auction Co.*	Shelbina.
Sho-Me Feeder Pigs, Inc.	Thayer.
Jack Sivils Sale Co., Inc*	Butler.
Stewart Sale Pavilion*	Cameron.
St. James Auction Co.	St. James.
Ste. Genevieve Livestock Producers Association	Ste. Genevieve.
South Central Livestock Market, Inc.*	Vienna.
Summersville Auction Sale*	Summersville.
Union Stockyards Co., Inc.*	Springfield.
Unionville Sale Co.*	Unionville.
Urbana Livestock Auction	Urbana.
Washington County Producers Association	Potosi.
Warsaw Auction Co.	Warsaw.
Wayne County Livestock Producers Association	Greenville.
Western Missouri Feeder Calf Association	Appleton City.
Wheaton Livestock Auction	Wheaton.
Windsor Auction Co.*	Windsor.

MONTANA

Beaverhead Livestock Market, Inc.*	Dillon.
Billings Livestock Commission Co., Inc.*	Billings.
Bitterroot Livestock Market*	Hamilton.
Glendive Livestock Sales Co.*	Glendive.
Kalispell Livestock Auction*	Kalispell.
Livestock Auction, Inc.*	Baker.
Miles City Livestock Center*	Miles City.
Missoula Livestock Auction Co.*	Missoula.
Montana Livestock Auction, Inc.*	Butte.
Public Auctions Yards*	Billings.
Sidney Livestock Market Center*	Sidney.

NEBRASKA

Ainsworth Livestock Market*	Ainsworth.
Alliance Livestock Auction Co.*	Alliance.
Alma Livestock Commission Co.*	Alma.
Atkinson Livestock Market*	Atkinson.
Bassett Livestock Auction*	Bassett.
Beatrice 77 Livestock Sales Co.*	Beatrice.
Beatrice Sales Pavilion*	Do.
Blue Hill Livestock Co., Inc.*	Blue Hill.
Butte Livestock Market*	Butte.
Chadron Sales Co., Inc.*	Chadron.
Chappell Livestock Auction*	Chappell.
Columbus Sales Pavilion, Inc.*	Columbus.
Crawford Livestock Auction Market*	Crawford.
Crete Livestock Market*	Crete.
Curtis Livestock Market	Curtis.
Fairbury Livestock Co.*	Fairbury.
Falls City Auction Co., Inc.*	Falls City.
Farmers Livestock Sales Co.*	Benkelman.
Franklin Livestock Market*	Franklin.
Gordon Livestock Auction Co.*	Gordon.
Grand Island Livestock Auction, Inc.*	Grand Island.
Hebron Livestock Commission Co.*	Hebron.
Holdrege Livestock Market*	Holdrege.
Humboldt Sale Barn*	Humboldt.
Imperial Auction Market*	Imperial.
Kearney Livestock Commission Co., Inc.*	Kearney.
Kimball Livestock Auction Co.*	Kimball.
Laurel Livestock Sales Co.*	Laurel.
Lexington Livestock Market*	Lexington.
Midwest Livestock Commission Co., Inc.*	McCook.
Morris Livestock Auction	Plattsmouth.
Nebraska City Sale Barn, Inc.*	Nebraska City.
Norfolk Livestock Market*	Norfolk.
Ogallala Livestock Auction Market*	Ogallala.
Omaha Livestock Market, Inc.*	Omaha.
O'Neill Livestock, Inc.*	O'Neill.
Oxford Livestock Commission Co.*	Oxford.
Pawnee Livestock Inc.*	Pawnee City.
Pender Livestock Inc.*	Pender.

NEBRASKA—Continued

Platte Valley Livestock Auction, Inc	Gering.
Producers Platte Valley Livestock Auction*	Kearney.
Red Cloud Livestock Commission Co., Inc	Red Cloud.
Scottsbluff Livestock Auction, Inc.*	Scottsbluff.
Sheridan Livestock Commission Co.*	Rushville.
Sioux County Livestock Auction*	Harrison.
Superior Livestock Commission Co., Inc.*	Superior.
Sutton Livestock Commission Co.*	Sutton.
Syracuse Sales Pavilion, Inc	Syracuse.
Tecumseh Livestock Market, Inc.*	Tecumseh.
Tri-State Livestock Commission Co.*	McCook.
Valentine Livestock Auction Co., Inc.*	Valentine.
Wells Commission Co.*	Fremont.
Verdigre Livestock Market*	Verdigre.
Wahoo Livestock Auction Co.*	Wahoo.
West Point Sales Co.*	West Point.
Western Livestock Auction Co.*	North Platte.
York Livestock Sales Co.*	York.

NEW JERSEY

Community Livestock Auction*	Woodstown.
Cowtown Auctioneers*	Do.
Jaeger's Livestock Auction Market	Sussex.
Livestock Cooperative Auction Market Association of North Jersey, Inc.*	Hackettstown.

NEW MEXICO

Five States Livestock Auction*	Clayton.
Las Vegas Livestock Commission Co., Inc	Las Vegas.
Lea County Livestock Market*	Lovington.
Portales Livestock Commission Co	Portales.
Ranchers & Farmers Livestock Auction*	Clovis.
Roswell Livestock Auction Co	Roswell.
Socorro Livestock Market, Inc.*	Lemitar.

NORTH CAROLINA

Benson Hog & Livestock Market	Benson.
Brite & Tatum Livestock Co	Elizabeth City.
Carolina Stockyards Co	Siler City.
Cattleman's Livestock Yard, Inc	Canton.
Carolina-Virginia Stockyard	Windsor.
Central Carolina Farmers Livestock Market	Hillsborough.
Dedmon's Livestock Yard	Shelby.
Farmers Livestock Barn	Kannapolis.
Farmers Livestock Exchange	Marshville.
D. F. Foust Livestock Auction Market	Greensboro.
Franklin Livestock Auction	Franklin.
Greenville Livestock Inc	Greenville.
Hickory Livestock & Commission Co	Hickory.
Iredell Livestock Co	Turnersburg.
Kinston Stockyard	Kinston.
Gus Z. Lancaster Stockyards, Inc	Rocky Mount.
Lumberton Auction Co	Lumberton.
MCM Livestock, Inc	Whiteville.
Mountain Livestock Auction	Murphy.
Mount Airy Livestock Market	Mount Airy.
Norwood Stockyard, Inc	Norwood.
Oxford Livestock Market, Inc	Oxford.
Pates Stockyards, Inc	Pembroke.
Powell Livestock Co	Smithfield.
Reaves Livestock Inc	Rowland.
Riley's Livestock Market	North Wilkesboro.
Shelby Sales Barn	Shelby.
Union County Livestock Auction, Inc	Mineral Springs.
Watauga County Livestock Market, Inc	Boone.
Western Carolina Livestock Market	Asheville.
West Jefferson Livestock Market	West Jefferson.

NORTH DAKOTA

Ashley Livestock Sales Co.*	Ashley.
Carrington Livestock Sales, Inc.*	Carrington.
Central & Farmers Union Livestock Market, Inc.*	Minot.
Edgeley Livestock Auction*	Edgeley.
Ellendale Livestock Sales Co.*	Ellendale.
Harvey Livestock Auction*	Harvey.
Hettinger Auction Market, Inc.*	Hettinger.
Jamestown Livestock Sales*	Jamestown.
Kist Livestock Auction Co.*	Mandan.
Lake Region Auction & Livestock Market, Inc.*	Devils Lake.
Linton Livestock Sales, Inc.*	Linton.
Lorenz Livestock Sales*	Hazen.
Minot Livestock Auction, Inc.*	Minot.
Missouri Slope Livestock Auction, Inc.*	Bismarck.
Napoleon Livestock Auction*	Napoleon.

NORTH DAKOTA—Continued

Park River Livestock Sales, Inc.*	Park River.
Rugby Livestock Auction Market, Inc.*	Rugby.
Schnell's Beulah Livestock Auction Market, Inc.*	Beulah.
Schnell's Livestock Market, Inc.*	Dickinson.
Sitting Bull Auction Co.*	Williston.
Triple S Cattle Co., Inc.*	Valley City.
Turtle Lake Livestock Sales, Inc.*	Turtle Lake.
Uecker Livestock Yards, Inc	Hettinger.
Union Stockyards Co. of Fargo*	West Fargo.
Watford City Livestock Auction, Inc.*	Watford City.
Wahpeton Livestock Inc.*	Wahpeton.
Western Livestock Co.*	Dickinson.
Wishek Livestock Market, Inc.*	Wishek.

OHIO

Athens Livestock Sales, Inc	Athens.
Barnesville Livestock	Barnesville.
Glenn Bircher, d.b.a. Carrollton Livestock	Carrollton.
Earl R. & Diane E. Carpenter, d.b.a. Bloomfield Livestock Auction	North Bloomfield.
Cincinnati Union Stockyard Co	Cincinnati.
Creston Livestock Sales, Inc	Creston.
Delta Livestock Auction & Commission Co	Delta.
Farmers Livestock Auction Co., Inc	Marietta.
Farmerstown Sale, Inc	Baltic.
Geauga Livestock Commission, Inc	Middlefield.
Granville Livestock Sales, Inc	Granville.
Richard L. Harshbarger, d.b.a. Degraff Livestock Sales	Degraff.
Kenton Farmers Marketing Co	Kenton.
Kidron Auction, Inc	Kidron.
Lugbill Bros., Inc	Archbold.
Do	Columbus Grove.
Middendorf Inc., d.b.a. Western Ohio Livestock	Celina.
Mount Hope Auction, Division Wayne Door Co	Mt. Hope.
Tri-State Farms, Inc., d.b.a. Interstate Farmers Livestock Co	Oxford.
Muskingum Livestock Sales Co	Zanesville.
William W. Osborne, d.b.a. Sugarcreek Livestock Auction	Sugarcreek.
Producers Livestock Association	Bucyrus.
Do	Circleville.
Do	Coshocton.
Do	Eaton.
Do	Findlay.
Do	Hillsboro.
Do	Lancaster.
Do	Marysville.
Do	Mount Vernon.
Do	Springfield.
Do	Wapakoneta.
Do	Washington Court House.
Do	Wilmington.
Scio Auction Market	Scio.
Glenn Shreve & Larry C. Shreve, d.b.a. Damascus Livestock Auction.	Damascus.
Thomas J. Stewart & C. E. Johnson, d.b.a. Ohio Valley Livestock Co.	Gallipolis.
Stockyards, Inc., d.b.a. Champaign Livestock Sales	Urbana.
The Union Stock Yards Co	Hillsboro.
James H. Wilson & Thomas H. Wilson, d.b.a. Peoples Livestock Exchange.	Greenville.
Woodsfield Livestock Sales, Inc	Woodsfield.
Zanesville Community Sales Co., Inc	Zanesville.

OKLAHOMA

Ada Livestock*	Ada.
Adair County Livestock Auction*	Stilwell.
Antlers Livestock*	Antlers.
Apache Livestock Sale*	Apache.
Ardmore Livestock Auction, Inc.*	Ardmore.
Atoka Livestock*	Atoka.
The Beaver Livestock Sale*	Beaver.
Beeline Auction Yard*	Glenpool.
Blackwell Livestock Auction*	Blackwell.
Carnegie Livestock Auction*	Carnegie.
Chandler Auction Co., Inc.*	Chandler.
Cherokee Sales Co.*	Cherokee.
Clinton Livestock Auction*	Clinton.
Collinsville Livestock Exchange*	Collinsville.
Covington Commission Sales Co.*	Covington.
Durant Livestock*	Durant.
Dewey Livestock Sale Inc.*	Dewey.
Delaware County L/S Auction*	Grove.
Enid Livestock Market, Inc.*	Enid.
Fairview Sale Barn*	Fairview.

OKLAHOMA—Continued

Farmers & Ranchers Livestock Auction*	Vinita.
Farmers & Ranchers Stockyards*	Comanche.
Fort Smith Stockyards*	West Fort Smith.
Freeman Livestock Auction*	Sulphur.
Geary Livestock Auction*	Geary.
Hennessey Sale*	Hennessey.
Hobart Stockyards*	Hobart.
Holdenville Livestock*	Holdenville.
Hollis Livestock Commission Co.*	Hollis.
Hugo Sales Commission Inc.*	Hugo.
Idabel Livestock Auction*	Idabel.
Kay County Farm Center, Inc., d.b.a. Tonkawa Auction Center*	Tonkawa.
Lawton Stockyards*	Lawton.
Le Flore County Livestock Auction*	Wister.
Locust Grove Sale*	Locust Grove.
Mangum Livestock Co.*	Mangum.
Marietta Livestock Auction*	Marietta.
Marlow Livestock Auction*	Marlow.
Maxson Sales Co.*	Welch.
McAlester Union Livestock*	McAlester.
Meeker Livestock Market*	Meeker.
Mid-America Stockyards*	Bristow.
Muskogee Stockyard*	Muskogee.
Newkirk Sales Co.*	Newkirk.
Northeast Oklahoma Feeder Pig & Livestock Auction*	Leach.
Oklahoma Auction Yards*	Hominy.
Oklahoma National Stockyards Co.*	Oklahoma City.
Okmulgee L/S Auction & Stockyard*	Okmulgee.
Panhandle Livestock Commission*	Guymon.
Pauls Valley Livestock*	Pauls Valley.
Pawnee Livestock Market Center, Inc.*	Pawnee.
Perkins Y Livestock Auction, Inc.*	Perkins.
Perry Livestock Center, Inc.*	Perry.
Poor Boy Livestock Auction*	Wister.
Pryor Stockman's Auction*	Pryor.
Purcell Livestock*	Purcell.
Ringling Livestock Auction*	Ringling.
Sallisaw Sale Barn*	Sallisaw.
Sayre Livestock Auction*	Sayre.
Seiling Sales Association, Inc.*	Seiling.
Snyder Stockyards*	Snyder.
Spitler Auction, Inc.*	Prague.
South Coffeyville Livestock Market, Inc.*	South Coffeyville.
Stigler Sale Barn	Stigler.
Tahlequah Sale Barn*	Tahlequah.
Texhoma Livestock Commission Co., Inc.*	Texhoma.
Tillman County Stockyards, Inc.*	Frederick.
Triangle Livestock Co.*	Alva.
Tulsa Cow Palace*	Tulsa.
Tulsa Stockyards*	Do.
Watonga Livestock Commission, Inc.*	Watonga.
Waurika Livestock Market*	Waurika.
Western Livestock Auction*	Elk City.
Woodward Livestock Auction Market, Inc.*	Woodward.

PENNSYLVANIA

Belleville Livestock Market, Inc	Belleville.
Belknap Livestock Market, Inc	Dayton.
Edgar K. Black	Skippack.
K. M. Border	Dover.
Carlisle Livestock Market, Inc	Carlisle.
Cattle Sales, Inc., d.b.a. Scenery Hill Stockyards	Scenery Hill.
Chambersburg Livestock Sales, Inc	Chambersburg.
Chesley's Sales, Inc	Northeast.
Cowanesque Valley Livestock Auction	Knoxville.
Wayne F. Craig & Sons	Shippensburg.
Dewart Livestock Market	Dewart.
Enon Valley Community Sales	Enon Valley.
Fayette Stockyard, Inc	Uniontown.
Greencastle Livestock Market, Inc	Greencastle.
Green Dragon Livestock Sales	Ephrata.
Hickory Auction & Sales, Inc	Hickory.
Indiana Livestock Market, Inc	Indiana.
Jersey Shore Livestock, Inc	Jersey Shore.
Keister's Middleburg Auction Sales, Inc	Middleburg.
Lancaster Stockyards, Inc	Lancaster.
Lebanon Valley Livestock Market, Inc	Fredericksburg.
Leesport Market & Auction, Inc	Leesport.
Meadville Livestock Auction	Saegertown.
Mercer Livestock Auction	Mercer.
C. Robert Miller	Watsontown.

PENNSYLVANIA—Continued

Morrison Cove Livestock Market	Martinsburg.
New Holland Sales Stables, Inc	New Holland.
New Wilmington Livestock Auction, Inc	New Wilmington.
Nicholson Sales Co	Nicholson.
Penns Valley Livestock Auction, Inc	Centre Hall.
Pennsylvania Livestock Auction, Inc	Waynesburg.
Perkiomenville Sales Stables, Inc	Perkiomenville.
Quakertown Livestock Sale	Quakertown.
Sechrist Sales Co	Fawn Grove.
W. R. Sellers Livestock	Greencastle.
Showalter's Livestock Exchange	Duncansville.
Stockton's Livestock Auction	Union City.
Thomasville Livestock Market, Inc	York.
Tri-County Livestock Auction, Inc.*	Brockway.
Troy Sales Co-operative	Troy.
Vintage Sales Stables, Inc	Paradise.
Wayne County Livestock Exchange, Inc	Honesdale.
Weikert's Livestock	Fairfield.
Wyalusing Livestock Market	Wyalusing.

SOUTH CAROLINA

P. L. Bruce Livestock Market	Greenville.
Chesnee Livestock Co	Chesnee.
Darlington Auction Market	Darlington.
Farmers County Line Stockyard	Andrews.
Farmers Livestock Market, Inc	Leesville.
Farmers Market	Estill.
Herndon Stockyards, Inc	Ehrhardt.
Hutto Stockyards, Inc	Holly Hill.
Orangeburg Stockyards, Inc	Orangeburg.
Saluda County Stockyards, Inc	Saluda.
South Carolina Department of Corrections*	Columbia.
Spartanburg Livestock Yards	Spartanburg.
Springfield Stockyards, Inc	Springfield.
Walterboro Stockyards Co., Inc	Waterboro.
York County Stockyards Sales, Inc	York.

TENNESSEE

Algood Stockyard*	Algood.
Athens Livestock Auction*	Athens.
Botts & Evans Livestock Co.*	Union City.
Chattanooga Union *	Chattanooga.
Cleveland Livestock Auction Co., Inc.*	Cleveland.
Clinton Livestock Auction Co., Inc.*	Clinton.
C & M Livestock Market*	Jamestown.
Coffee County Livestock Market*	Manchester.
Collierville Livestock Auction Co.*	Collierville.
Collins Cattle Co.*	Obion.
Covington Sale Co.*	Covington.
Crockett County Sales Co.*	Maury City.
Cumberland City Stockyard*	Cumberland City.
De Kalb County Livestock Co.*	Alexandria.
Dickson Livestock Center*	Dickson.
East Tennessee Livestock Center*	Sweetwater.
Farmers Auction*	Fayetteville.
Farmers Commission Co.*	Carthage.
Farmers Livestock Exchange*	Union City.
Farmers Livestock Market, Inc.*	Greeneville.
Giles County Stockyard*	Pulaski.
Greeneville Livestock Market, Inc.*	Greeneville.
Hardin County Livestock Co.*	Savannah.
Jackson County Commission*	Gainesboro.
Johnson City Livestock Market*	Johnson City.
Jonesboro Livestock Yards, Inc.*	Telford.
Kingsport Livestock Auction Corp.*	Kingsport.
Lawrence County Stockyard*	Lawrenceburg.
Lexington Sales Co.*	Lexington.
Lewis County Stockyard*	Hohenwald.
Logan Livestock Company*	Union City.
Macon County Livestock Market*	Lafayette.
Middleton Sale Co.*	Middleton.
McNairy County Stockyards*	Selmer.
Mid-South Livestock Commission Co.*	Columbia.
Mid State Producers, Inc.*	Woodbury.
Morristown Stockyard, Inc.*	Morristown.
Murfreesboro Livestock Market*	Murfreesboro.
Newbern Sales Co., Inc.*	Newbern.
New Tazewell Livestock*	New Tazewell.
Oliver Livestock Co.*	Union City.
Paris Livestock Commission Co.*	Paris.
Peoples Livestock Market*	Cookeville.
Peoples Stockyard*	Fayetteville.

TENNESSEE—Continued

Plateau Livestock Exchange*	Crossville.
Pulaski Stockyards*	Pulaski.
Rogersville Livestock Market*	Rogersville.
Sampson & Maxwell Livestock Auction*	Lewisburg.
Sevier County Livestock Auction Market*	Seymour.
Scotts Hill Auction Co.*	Scotts Hill.
Shelbyville Livestock Market*	Shelbyville.
Smith County Commission Co.*	Carthage.
Smithville Stockyard*	Smithville.
Southern Livestock Auction Co.*	Columbia.
South Memphis Stock Yards Co.*	Memphis.
Southwestern Stockyards*	Huntingdon.
Sparta Livestock Co.*	Sparta.
Tennessee Livestock Producers*	Thompson Station.
Tennessee Producers*	Fayetteville.
Thompson Livestock*	Obion.
Trenton Sales Co.*	Trenton.
Tri-County Stockyards*	McKenzie.
Charles B. Davis & W. B. Lackey, d.b.a. Tri-State Livestock Commission Co., Inc.*	Chattanooga.
Trousdale County Livestock Market*	Hartsville.
Unionville Livestock Auction Co.*	Unionville.
Union Stockyards, Inc.*	Knoxville.
Warren County Livestock*	McMinnville.
Wilson County Livestock Market*	Lebanon.
Wilson Livestock Market*	Newport.
West Tennessee Auction Co., Inc.*	Martin.

TEXAS

Abilene Auction*	Abilene.
Amarillo Livestock Auction*	Amarillo.
Athens Livestock Market*	Athens.
Belton Livestock Auction*	Belton.
Bonham Livestock Market*	Bonham.
Bowie Livestock Commission, Inc.*	Bowie.
Breckenridge Stockyards*	Breckenridge.
Brownwood Cattle Auction*	Brownwood.
Burleson Dairy Auction, Inc.*	Burleson.
Canyon Livestock Commission*	Canyon.
Cattleman's*	Palestine.
Cattleman's Livestock Commission Co.*	Paris.
Center Auction Co., Inc.*	Center.
Central Texas Livestock Market*	Brownwood.
Childress Livestock Auction*	Childress.
Coleman Livestock Auction*	Coleman.
Clarksville Livestock Exchange, Inc.*	Clarksville.
O. L. Colley Livestock Market*	Mt Pleasant.
Decatur Auction Sale*	Decatur.
Dalhart Auction Co.*	Dalhart.
Ennis Auction*	Ennis.
Fort Worth Stockyards Corp.*	Fort Worth.
Gainesville Livestock Market, Inc.*	Gainesville.
Graham Livestock Commission Co.*	Graham.
Greenville Livestock Commission Co.*	Greenville.
Haskell Livestock Auction*	Haskell.
Huntsville Auction Barn*	Huntsville.
Jacksonville Livestock Market, Inc.*	Jacksonville.
J & J Livestock Commission Co.*	Texarkana.
Kirbyville Auction Barn*	Kirbyville.
Lampasas Auction, Inc.*	Lampasas.
Livingston Livestock Auction Sale	Livingston.
Llano Livestock Auction*	Llano.
Lone Star Livestock Commission Co	San Antonio.
Longview Livestock Commission Co.*	Longview.
Lufkin Livestock Exchange*	Lufkin.
Madison County Livestock Commission*	Madisonville.
Mansfield Dairy Cattle Auction*	Mansfield.
Marshall Livestock Commission Co.*	Marshall.
McDougal Livestock Auction Barn*	Comanche.
Meridian Livestock Auction*	Meridian.
Mineral Wells Stockyards Co.*	Mineral Wells.
Moore's Livestock Commission Co., Inc.*	McKinney.
Morris County Livestock Commission Co.*	Omaha.
Muenster Livestock Auction Commission Co.*	Muenster.
Nacogdoches County Livestock Arena, Inc.*	Nacogdoches.
Olney Livestock Auction*	Olney.
Panola Livestock Commission Co.*	Carthage.
Paris Livestock Commission Co.*	Paris.
Patton Livestock, Inc.*	Nacogdoches.
Pilot Point Livestock Commission Co., Inc.*	Pilot Point.
Pittsburg Livestock Commission Co.*	Pittsburg.
Plainview Livestock Auction*	Plainview.

TEXAS—Continued

Port City Stockyards Co.*	Sealy.
Producer's Livestock Auction Co.*	San Angelo.
Rains County Livestock Market*	Emory.
Ranchers & Farmers Livestock Market*	Abilene.
Seymour Livestock Auction*	Seymour.
Southwestern Livestock Market*	Midland.
Sulphur Springs Stocker & Dairy Commission*	Sulphur Springs.
Terrell Livestock Market, Inc.*	Terrell.
Texarkana Livestock Commission Co., Inc.*	Texarkana.
Tulia Livestock Auction*	Tulia.
Vann-Roach Cattle Co., Inc	Fort Worth.
Vernon Stockyards Co.*	Vernon.
Waxahachie Livestock Commission Co., Inc	Waxahachie.
Wellington Livestock Auction*	Wellington.
Wichita Livestock Auction*	Wichita.
Wills Point Livestock Market*	Wills Point.
Winnsboro Livestock Market*	Winnsboro.
Wood County Livestock Commission Co.*	Minneola.
Woodville Livestock Commission Co.*	Woodville.

UTAH

Producers Livestock Auction*	North Salt Lake.
Producers Salina Auction*	Salina.
Richfield Auction Co.*	Monroe.
Smithfield Livestock Auction*	Smithfield.
Uintah Sales Barn*	Roosevelt.
Vernal Livestock Auction*	Vernal.
Weber Livestock Auction Co.*	Ogden.

VERMONT

Addison County Commission Sales	E. Middlebury.
E. S. Crosby Inc., d.b.a. Vergennes Commission Sales	Vergennes.
C. W. Gray & Sons, Inc., d.b.a. East Thetford Commission Sale	East Thetford.
Orleans Commission Sale	Orleans.
Westminster Commission Sales, Inc	Westminster.
Whiting Livestock Commission Sales	Whiting.

VIRGINIA

Abingdon Livestock Market, Inc.*	Abingdon.
Albermarle Livestock Market*	Charlottesville.
Amherst County Livestock Market, Inc	Amherst.
Christiansburg Livestock Market, Inc.*	Christiansburg.
Galax Livestock Market, Inc.*	Galax.
Farmers Livestock Exchange*	Winchester.
Farmers Livestock Market*	Ewing.
Do	Gate City.
Farmers Livestock Market, Inc.*	Tazewell.
Lee Farmers Livestock Market, Inc.*	Jonesville.
Farmville Livestock Market, Inc.*	Farmville.
Fauquier Livestock Exchange, Inc.*	Marshall.
Fredericksburg Stockyards Co.*	Fredericksburg.
Front Royal Livestock Sales, Inc.*	Front Royal.
Leesburg Livestock Market, Inc	Leesburg.
Lynchburg Livestock Market*	Lynchburg.
Madison Livestock Market, Inc.*	Madison Mills.
Monterey Livestock Sales, Inc.*	Monterey.
Narrows Livestock Auction Market, Inc.*	Narrows.
Nokesville Livestock Auction, Inc.*	Nokesville.
Orange Livestock Market, Inc.*	Orange.
Phenix Livestock Market*	Phenix.
Pulaski Livestock Market*	Dublin.
Richmond Union Stockyards*	Richmond.
Roanoke-Hollins Stockyard*	Hollins.
Roanoke Livestock Market*	Roanoke.
Rockingham Livestock Sales*	Harrisonburg.
Shanandoah Valley Livestock Sales*	Do.
Smithfield Livestock Market	Smithfield.
Southampton Livestock Sales, Inc	Courtland.
South Boston Livestock Market*	South Boston.
South Hill Stockyard*	South Hill.
Southside Stockyards, Inc.*	Blackstone.
Do	Petersburg.
Staunton Union Stockyards, Inc.*	Staunton.
Staunton Livestock Market*	Do.
Tappahannock Livestock Market, Inc	Tappahannock.
Tri-State Livestock Market, Inc.*	Abingdon.
Victoria Livestock Market*	Victoria.
Virginia-Carolina Livestock and Agricultural Market, Inc.*	Danville.
Woodstock Livestock Market, Inc.*	Woodstock.
Wytheville Livestock Market, Inc.*	Wytheville.

WISCONSIN	
Belmont Livestock Market, Inc.*	Belmont.
Benoit NFO Livestock Collection Point	Benoit.
Bloomer Livestock Market, Inc.*	Bloomer.
Bob Carey Cattle Co., Inc.*	Mineral Point.
Clear Lake NFO Collection Point*	Clear Lake.
Ellsworth N.F.O. Collection Point*	Ellsworth.
Equity Co-op Livestock Sales Assn.*	Altoona.
Do	Bonduel.
Do	Johnson Creek.
Do	Richland Center.
Do	Sparta.
Iowa County L/S Market Corp.*	Dodgeville.
Kuehne Livestock Auction Market*	Seymour.
Lewis Geurkink Dairy Cattle*	Baldwin.
Matthes Farms*	Viola.
Midwest Livestock Producers Co-op*	Lomira.
Do	Marion.
Do	Peshtigo.
Midwest Livestock Producers Co-op	Monticello.
Midwest Livestock Producers Co-op*	Shullsburg.
Milwaukee Stockyards*	Milwaukee.
WASHINGTON	
Chehalis Livestock Market*	Chehalis.
Davenport Livestock Marketing Center*	Davenport.
Prosser Commission Co.*	Prosser.
Stockland Livestock Exchange, Inc.*	Spokane.
Twin City Sale	Centralia.
Vancouver Livestock Market, Inc.*	Camas.
Walla Walla Livestock Auction	Walla Walla.
WEST VIRGINIA	
Bluegrass Market, Inc.*	North Caldwell.
Blueridge Livestock Sales, Inc.*	Charles Town.
Bridgeport Stockyards, Inc.*	Bridgeport.
Buckhannon Stockyards*	Buchannon.
Jackson County Livestock Market, Inc.*	Ripley.
Livestock Exchange, Inc., d.b.a. Alderson Livestock Market	Alderson.
Mannington Livestock Sales, Inc.*	Mannington.
Moundsville Livestock Auction Co.*	Moundsville.
New River Livestock Market, Inc.*	Beckley.
Ohio County Livestock Auction, Inc.*	West Alexander.
Pocahontas Producers Cooperative Association*	Marlinton.
Point Pleasant Livestock Co., Inc.*	Point Pleasant.
Randolph County Livestock Marketing Association*	Elkins.
South Branch Stockyard, Inc.*	Moorefield.
Spencer Livestock Exchange*	Spencer.
Terra Alta Stockyard, Inc.*	Terra Alta.
United Livestock Sales*	Parkersburg.
Weston Livestock Sales Co., Inc.*	Weston.
WYOMING	
Big Horn Livestock Exchange*	Sheridan.
Douglas Livestock Exchange*	Douglas.
Lander Livestock Auction*	Lander.
Lusk Livestock Exchange*	Lusk.
Nield Market*	Afton.
Powell Auction Market*	Powell.
Prosser Livestock Market, Inc., d.b.a. Greybull Livestock Commission Co.*	Greybull.
Riverton Livestock Auction Co.*	Riverton.
Stockgrowers Livestock Auction Co.*	Worland.
Stockman's Livestock Auction*	Torrington.
Torrington Livestock Commission Co.*	Do.

Effective date. The foregoing notice shall become effective November 5, 1976.

This action imposes certain restrictions necessary to prevent the spread of brucellosis and relievs certain restrictions presently imposed. The action should be made effectve promptly in order to accomplish its purpose in the public interest and to be of maxmum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of October 1976.

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

[FR Doc.76-32280 Filed 11-4-76;8:45 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART IV:

DEPARTMENT OF LABOR

Employment and Training Administration

■

PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Labor Certification Process

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 656]

LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Notice is hereby given that the Department of Labor, Employment and Training Administration, is proposing new regulations governing the labor certification process for the permanent employment of aliens in the United States. The proposed regulations, designated 20 CFR Part 656, are intended to replace the Department's present regulations at 29 CFR Part 60—*Immigration; immigrant Labor Certifications*, which will be rescinded in a separate document upon publication of this part in final form.

The proposed regulations are being issued under section 212(a)(14) of the Immigration and Nationality Act, which provides that certain aliens may not obtain a visa for entry into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified, by granting a labor certification, that:

(1) There are not sufficient United States workers, who are able, willing, qualified and available to perform the work; and

(2) the employment of the aliens will not adversely affect the wages and working conditions of United States workers similarly employed.

The proposed regulations set forth the labor certification process in detail. They delineate the responsibilities of the public employment service in assisting employers to find available United States workers. They also set forth the responsibilities of employers who desire to employ aliens on a permanent basis. For example, such employers must recruit U.S. workers by advertising, through the public employment service, and by other reasonable means, in order to make a good faith test of U.S. worker availability. An employer's advertising, moreover, must offer prevailing wages and working conditions so as to avoid any potential adverse effect upon the wages and working conditions of U.S. workers.

The proposed regulations are intended to implement the Immigration and Nationality Act Amendments of 1976 to the extent those amendments affect the labor certification process.

The proposed regulations are also intended to implement the amendments made to the Immigration and Nationality Act by Title VI of the Health Professions Educational Assistance Act of 1976 to the extent those amendments affect the labor certification process.

The proposed regulations would make the following substantive changes to the present regulations:

(1) Schedule A is a list of occupations for which the Department has made a predetermination that U.S. workers are unavailable and that the employment of aliens will not adversely affect the wages and working conditions of similarly employed U.S. workers. Schedule A is proposed to be expanded to include persons of exceptional ability in the sciences and arts, and certain intra-company transferees. The entire occupations of pharmacy, medicine and surgery and nursing, and the occupations of dietetics and physical therapy below the level of a master's degree, are proposed to be deleted.

(2) It is proposed that the administrative review process be expanded to permit, where a labor certification is denied, an administrative-judicial review of the denial by a Department of Labor hearing officer. It is proposed that the hearing officer would be able to set the case for hearing if a hearing is appropriate. Although the hearing procedures set forth in this proposed rulemaking document are consistent with the adjudication process under the Administrative Procedure Act, the Department continues to believe that the labor certification process is not subject to the judicial review provisions of the Administrative Procedure Act.

(3) It is proposed that job offers must accompany the labor certification applications of professionals.

Interested persons are invited to submit written comments, arguments and data on the proposed regulations on or before December 6, 1976, to the Assistant Secretary for Employment and Training, Attention: Mr. William B. Lewis, Administrator, United States Employment Service, Room 8000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

Accordingly, it is proposed to add a new Part 656 to Title 20 of the Code of Federal Regulations to read as follows:

PART 656—LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Subpart A—Purpose and Scope of Part 656

Sec.
- 656.1 Purpose and scope of Part 656.
- 656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.

Subpart B—Occupational Labor Certification Determinations

- 656.10 Schedule A.
- 656.11 Schedule B.

Subpart C—Labor Certification Process

- 656.20 Introduction.
- 656.21 Basic labor certification application process.
- 656.22 Applications for labor certifications for Schedule A occupations.
- 656.23 Applications for labor certifications for Schedule B occupations; requests for waivers from Schedule B.
- 656.24 Labor certification determinations.
- 656.25 Procedures following a labor certification determination.
- 656.26 Administrative-judicial review of denials of labor certification.
- 656.27 Hearings.
- 656.28 Document transmittal following the granting of a labor certification.
- 656.29 Filing of a new application after the denial of a labor certification.
- 656.30 Validity of and invalidation of labor certifications.
- 656.31 Labor certification applications involving fraud or willful misrepresentation.
- 656.32 Fees for services and documents.

Subpart D—Determination of Prevailing Wage

- 656.40 Determination of prevailing wage for labor certification purposes.

Subpart E—Definitions

- 656.50 Definitions for terms used in this part.

AUTHORITY: Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); 8 CFR 214.2(h)(3); Wagner-Peyser Act of 1933, as amended (29 U.S.C. 49 et seq.), unless otherwise noted.

Subpart A—Purpose and Scope of Part 656

§ 656.1 Purpose and scope of Part 656.

(a) Under section 212(a)(14) of the Immigration and Nationality Act (Act) certain aliens may not obtain a visa for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that:

(1) There are not sufficient United States workers, who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work, and

(2) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

(b) The regulations under this Part set forth the procedures whereby such permanent certifications (labor certifications) may be applied for, and given or denied.

§ 656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.

(a)(1) *Description of the Act.* The Immigration and Nationality Act (Act) regulates the admission of aliens into the United States. The Act designates the Attorney General and the Secretary of State as the principal administrators of its provisions.

(2) The Immigration and Naturalization Service (INS) performs most of the Attorney General's functions under the Act.

(3) The Consular offices of the Department of State throughout the world are generally the initial contact for aliens in foreign countries who wish to come to the United States. These offices determine the type of visa for which aliens may be eligible, obtain visa eligibility documentation, and issue visas.

(b) *Burden of proof under the Act.* Section 291 of the Act states, in pertinent part, that:

> Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act, and, if an alien, that he is entitled to the nonimmigrant

(quota immigrant, or nonquota immigrant) status claimed, as the case may be.

(c) *Numerical limitations on immigrant visas under the Act.* (1) Immigrant visas may only be given on an individual basis;

(2) Except for immediate relatives of U.S. citizens, to whom no numerical restriction applies, only 290,000 immigrant visas may be issued in each fiscal year, of which:

(i) No more than 120,000 may be issued to immigrants born in the Western Hemisphere;

(ii) No more than 170,000 may be issued to immigrants born in the Eastern Hemisphere;

(3) No numerical restriction exists on the number of labor certifications which may be issued by the Department of Labor in any year; and

(4) Immigrant visas are limited to 20,000 per country.

(d) *Visa preferences including nonpreference status.* (1) Under section 203 of the Act certain immigrants are eligible for preferences in obtaining visas. The INS has responsibility for determining whether such aliens qualify for preferences. The preferences for which an immigrant may be eligible are:

(i) First, second, fourth and fifth preferences, which require a close family relationship between the immigrant and a United States citizen or permanent resident alien of the United States;

(ii) Third preference, which requires that the immigrant's services be sought by an employer, and that the immigrant be a qualified member of a profession or a person who, because of exceptional ability in the sciences or the arts, will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States;

(iii) Sixth preference, which requires that the immigrant be capable of performing some specific kind of skilled or unskilled labor, which is not of a temporary or seasonal nature, and for which a shortage of employable and willing persons exists in the United States; and

(iv) Seventh preference, which requires that the alien have a refugee status as described at section 203(a)(7) of the Act.

(2) Under section 203(a)(8) of the Act immigrants, who are not immediate relatives of U.S. citizens, and who are not eligible for one of the preferences described in paragraph (d)(1) of this section, have a nonpreference status and obtain visas strictly in chronological order.

(e) *Role of the Department of Labor.* (1) The role of the Department of Labor under the Act derives from section 212(a)(14), which provides that certain aliens who seek to immigrate to the United States for the purpose of employment in the United States are not eligible for a visa and shall be excluded unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that:

(i) There are not sufficient United States workers, who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work, and

(ii) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

(2) This certification is hereinafter referred to as a "labor certification".

(3) Aliens are required to obtain a labor certification by section 212(a)(14) of the Act are:

(i) Aliens who have a nonpreference status as described in paragraph (d)(2) of this section; and

(ii) Aliens who qualify for third or sixth preferences described in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section.

(4) The Department of Labor issues labor certifications for both the temporary and permanent employment of aliens in the United States. The regulations under this Part apply only to labor certifications for permanent employment. The regulations which are applicable to labor certification for temporary employment are at 20 CFR Part 621 and 20 CFR 602.10 et seq.

Subpart B—Occupational Labor Certification Determinations

§ 656.10 Schedule A.

The Administrator, United States Employment Service (Administrator) has determined that there are not sufficient United States workers who are able, willing, qualified and available for the occupations listed below on Schedule A and that the wages and working conditions of the United States workers similarly employed will not be adversely affected by the employment of aliens in Schedule A occupations:

SCHEDULE A

(a) *Group I.* (1) Persons who received an advanced degree (equivalent to a Ph.D. or master's degree conferred by a United States college or university) in any of the following specialties from an institution of higher learning accredited in the country where the degree was obtained:

(i) *Dietetics;* and

(ii) *Physical therapy*

(2) Definitions of Group I occupations:

(i) *"Dietetics"* means the occupation which involves the application of the principles of nutrition to plan menus and diets and direct the preparation and serving of meals. This occupation includes activities involved with service programs designed to feed individuals and groups with special nutritional requirements in schools, restaurants, and other institutions, and participation in research in the field of nutrition.

(ii) *"Physical Therapy"* means the occupation which involves the treatment of patients with disabilities, disorders and injuries to relieve pain, develop or restore function, and maintain performance, using physical means, such as exercise, massage, heat, water, light, and electricity, as prescribed by a medical doctor.

(3) To qualify for a Schedule A Group I occupation an alien must produce documentary evidence of their advanced degrees and of the equivalence of their degrees to United States granted Ph.D's or master's degrees.

(b) *Group II.* Aliens of exceptional ability in the sciences or arts who will substantially benefit prospectively the national economy, cultural interests or welfare of the United States. To qualify for Group II such aliens must satisfy the requirements of the Department of State and/or of INS by providing documentary evidence, such as awards, citations, international recognition, etc. to substantiate their claim of exceptional ability in their science or art.

(c) *Group III.* (1) Aliens who seek admission to the United States in order to perform a religious occupation.

(2) An alien's membership or special status in a religious denomination may be items of evidence that the alien's occupation is primarily a religious occupation; such membership or special status, however, shall not be decisive in itself as, under the Constitution, members of religious denominations may not be given a legal privilege which is denied to persons who are not members of such denominations. It should be remembered, too, that a religious group may have within it persons whose primary occupation is religious, such as religious preachers or teachers, as well as persons whose primary occupation is nonreligious, such as nurses, science teachers, cooks, housekeepers, or secretaries.

(3) In order to qualify for Group III aliens must present documentary evidence which establishes that:

(i) The alien is a recognized practitioner of a religious occupation. Such evidence may include documentation of special religious education or training, or of experience in performing the religious occupation; and

(ii) The alien intends and is likely to be principally engaged (more than 50 per cent of working time) in performing the religious tasks of the occupation.

(d) *Group IV.* Immigrant aliens who have been admitted to the United States under section 1101(a)(15)(L) of the Act and who are currently working temporarily in managerial or executive positions or positions requiring specialized knowledge with the same international corporations or organizations as when they were admitted.

§ 656.11 Schedule B.

(a) The Administrator has determined that there generally are sufficient United States workers who are able, willing, qualified and available for the occupations listed below on Schedule B and that the wages and working conditions of United States workers similarly employed will be adversely affected by the employment in the United States of aliens in Schedule B occupations:

SCHEDULE B

(1) Assemblers
(2) Attendants, Parking Lot
(3) Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)

SCHEDULE B—Continued

(4) Automobile Service Station Attendants
(5) Bartenders
(6) Bookkeepers II
(7) Dining Room Attendants
(8) Caretakers
(9) Cashiers
(10) Charworkers and Cleaners
(11) Chaffeurs and Taxicab Drivers
(12) Cleaners, Hotel and Motel
(13) Clerks, General
(14) Clerks, Hotel
(15) Clerks and Checkers, Grocery Stores
(16) Clerk Typists
(17) Cooks, Short Order
(18) Counter and Fountain Workers
(19) Electric Truck Operators
(20) Elevator Operators
(21) Floorworkers
(22) Groundskeepers
(23) Guards
(24) Helpers, any industry
(25) Household Domestic Service Workers
(26) Housekeepers
(27) House Cleaners and Yard Workers
(28) Janitors
(29) Key Punch Operators
(30) Kitchen Workers
(31) Laborers, Farm
(32) Laborers Mine
(33) Laborers Common
(34) Loopers and Toppers
(35) Material Handlers
(36) Nurses' Aides and Orderlies
(37) Packers, Markers, Bottlers, and Related
(38) Porters
(39) Receptionists
(40) Sailors and Deck Hands
(41) Sales Clerks, General
(42) Sewing Machine Operators and Handstitchers
(43) Street Railway and Bus Conductors
(44) Telephone Operators
(45) Truck Drivers and Tractor Drivers
(46) Typists, Lesser Skilled
(47) Ushers, Recreation and Amusement
(48) Stock Room and Warehouse Workers

(b) *Descriptions of Schedule B occupations*—(1) *"Assemblers"* perform one or more repetitive tasks to assemble components and subassemblies using hand or power tools to mass produce a variety of components, products or equipment. Involves such activities as riveting, drilling, filing, bolting, soldering, spot welding, cementing, gluing, cutting, and fitting. May use clamp or other work aids to hold parts during assembly. May inspect or test components. May tend previously set-up or automatic machine.

(2) *"Attendants, Parking Lot"* park automobiles for customers in parking lots or garages and may collect fees based on time span of parking.

(3) *"Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)"*. Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

(4) *"Automobile Service Station Attendants"*. Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also, compute charges and collect fees from customers.

(5) *"Bartenders"* prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also, compute and collect charges for drinks.

(6) *"Bookkeepers II"* keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest accrued rather than a complete set of records.

(7) *"Dining Room Attendants"* facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

(8) *"Caretakers"* perform a combination of duties to keep a private home clean and in good condition. Involves such activities as cleaning and dusting furniture and furnishings, hallways and lavatories; beating, vacuuming, and scrubbing rugs; washing windows, waxing and polishing floors; removing and hanging draperies; cleaning and oiling furnaces and other equipment; repairing mechanical and electrical appliances; painting and other chores as required.

(9) *"Cashiers"* receive payments made by customers for goods or services, make change, and give receipt. Involves such activities as operating cash register, balancing cash accounts, preparing bank deposits and other related duties.

(10) *"Charworkers and Cleaners"* keep promises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routine.

(11) *"Chauffeurs and Taxicab Drivers"* drive automobiles to convey passengers according to their instructions.

(12) *"Cleaners, Hotel and Motel"* clean hotel rooms and halls; sweep and mop floors; dust furniture; empty wastebaskets; and make beds.

(13) *"Clerks, General"* perform a variety of routine clerical tasks not requiring knowledge of systems or procedures. Involves such activities as copying and posting data, proofreading records or forms, counting, weighing, or measuring material, routing correspondence, answering telephones, conveying messages, and running errands.

(14) *"Clerks, Hotel"* perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

(15) *"Clerks and Checkers, Grocery Stores"* itemize, total, and receive payment for purchase in grocery stores, usually using cash register. Often assists customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

(16) *"Clerk Typists"* perform general clerical work requiring use of typewriter in majority of duties. Involves such activities as typing reports, bills, application forms, shipping tickets, and other matters from clerical records; filing records and reports, posting information to records, sorting and distributing mail, answering phone and similar duties. (Combines typing and filing, sorting mail, answering the telephone and other general office work.)

(17) *"Cooks—Short Order"* prepare and cook to order all kinds of short-preparation-time foods. May involve such activities as carving meats and filling orders from a steamtable; preparing sandwiches, salads, beverages; and serving means over a counter.

(18) *"Counter and Fountain Workers"* serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

(19) *"Electric Truck Operators"* drive gasoline- or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

(20) *"Elevator Operators"* operate elevators to transport passengers and freight between building floors.

(21) *"Floorworkers"* perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and, removing materials from work area to storage or shipping areas.

(22) *"Groundskeepers"* maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

(23) *"Guards"* guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

(24) *"Helpers (Any Industry)"* perform a variety of duties to assist another worker usually of a higher level of competency of expertness. Involves such activities as furnishing another worker with materials, tools, and supplies; cleaning work area, machines and equipment; feeding or offbearing machines; holding materials or tools according to worker assisted.

(25) *"Household Domestic Service Workers"* perform a variety of tasks in private households, including such activities as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children or disabled persons: Provided, however, that this category shall apply only to those workers who have had less than one year of docu-

mented full-time paid experience in the work to be performed, working on a live-in or live-out basis in private households or in public or private institutions or establishments where the worker has performed tasks equivalent to tasks normally associated with the maintenance of a private household.

(26) *"Housekeepers"* supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to household domestic service workers, charworkers, and housecleaners; inspect finished work, and maintain supply of equipment and materials.

(27) *"House Cleaners and Yard Workers"* (i) Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows; moving furniture; mopping and waxing floors; and, polishing metalwork; and (ii) maintain the grounds of private residence in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

(28) *"Janitors"* keep hotel, office building, apartment houses, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

(29) *"Keypunch Operators"* means using machines similar in action to typewriters, punch holes in cards in such a position that each hole can be identified as representing a specific item of information. These punched cards may be used with electronic computers as well as tabulating machines.

(30) *"Kitchen Workers"* perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

(31) *"Laborers, Farm"* plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

(32) *"Laborers, Mine"* perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill, or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

(33) *"Laborers, Common"* perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving, equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions according to set routine.

(34) *"Loopers and Toppers"* (i) Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture. (ii) Operate looping machines to close openings in toe of seamless hose or join knitted garment parts. (iii) Loop stitches or ribbed garment parts on points of transfer of garment parts to needles of knitting machine.

(35) *"Material Handlers"* load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

(36) *"Nurses' Aides and Orderlies"* assist in care of hospital patients. Involves such activities as bathing, dressing, undressing patients and giving alcohol rubs; serving and collecting food trays; cleaning and shaving hair from skin area of operative cases; lifting patients onto and from bed, and transporting patients to treatment units; changing bed linens, running errands, and directing visitors.

(37) *"Packers, Markers, Bottlers, and Related"* pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

(38) *"Porters"* (i) Carry baggage for passengers of airline, railroad, or motorbus by hand or handtruck. Perform related personal services in and around public transportation environment. (ii) Keep building premises, working areas in production departments or industrial organizations, or similar sites in clean and orderly condition.

(39) *"Receptionists"* receive clients or customers coming into establishments to ascertain their wants, and direct them accordingly. Involves such activities as arranging appointments, directing caller to destination, recording name, time, nature of business, person seen; answering phone and related duties.

(40) *"Sailors and Deck Hands"* stand deck watches and perform a variety of tasks to preserve painted surface of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

(41) *"Sales Clerks, General"* receive payment for merchandise in a retain establishment, wrap or bag merchandise, and keep shelves stocked.

(42) *"Sewing Machine Operators and Handstitchers"* (i) Operate single- or multiple-needle sewing machine to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations. (ii) Join and reinforce parts of such articles as garments, and curtains, sew button-holes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

(43) *"Street Railway and Bus Conductors"* collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

(44) *"Telephone Operators"* operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

(45) *"Truck Drivers and Tractor Drivers"* (i) Drive trucks to transport materials, merchandise, equipment, or people, to and from specified destinations such as plants, railroad stations, and offices. (ii) Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

(46) *"Typists, Lesser Skilled"* type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arragenment and setting of complex tabular detail or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a 5 minute typing period on representative business correspondence.

(47) *"Ushers (Recreation and Amusement)"* assist patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

(48) *"Stock Room and Warehouse Workers"* receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

(c) *Requests for waivers from Schedule B.* Any employer who desires a waiver from Schedule B may request such a waiver by submitting a written request to the appropriate regional Certifying Officer pursuant to § 656.23 of this Part.

(d) The Administrator may revise Schedule B from time to time on the Administrator's own initiative, upon the request of a Regional Administrator, Employment and Training Administration, or upon the written request of any other person which sets forth reasonable grounds therefor. Such requests should be mailed to the Administrator, United States Employment Service, Room 8000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Subpart C—Labor Certification Process

§ 656.20 Introduction.

(a) A request for a labor certification on behalf of any alien who is required by the Act to become a beneficiary of a labor certification in order to work permanently within the United States may be filed as follows:

(1) Any alien, except an alien whose occupation is listed on Schedule A, must have an employer apply for a labor certification on the alien's behalf pursuant to § 656.21.

(2) An alien seeking labor certification for an occupation listed on Schedule A may apply personally for a labor certification pursuant to § 656.22.

(3) An alien seeking a labor certification for an occupation listed on Schedule B may have an employer apply for a labor certification on the alien's behalf pursuant to §§ 656.23 and 656.21.

(b) (1) Aliens or employers may have agents apply for labor certifications on their behalf.

(2) The alien and/or the employer shall sign a statement that the agent is representing the alien and/or employer and that the alien and/or employer takes full responsibility for the accuracy of any representations made by the agent.

(c) The forms required under this Part for applications for labor certification are available at U.S. Consular offices abroad, at INS offices in the United States, and at local offices of the State employment service agencies.

§ 656.21 Basic labor certification application process.

(a) Except as otherwise provided at § 656.22 (labor certifications for Schedule A occupations), an employer who desires to apply for a labor certification on behalf of an alien shall file, in duplicate, the following forms and statements with the local employment service office serving the area where the alien proposes to be employed:

(1) A "Statement of Qualifications of Alien" form, signed by the alien;

(2) A "Job Offer for Alien Employment" form;

(3) If the application involves a job offer as a physician or surgeon, documentation that the alien has passed parts I and II of the National Board of Medical Examiners Examination or an equivalent examination as determined by the Secretary of Health, Education, and Welfare;

(4) If the application involves a job offer as a teacher, documentation that the employer selected the alien pursuant to a competitive recruitment and selection process through which the alien was found to be more qualified than any of the U.S. workers who applied for the job;

(5) If the application involves a job offer as a live-in household domestic service worker:

(i) A fully documented "Supplemental Statement for Live-At-Work Job Offers" form;

(ii) Two copies of the employment contract, each signed and dated by both the employer and the alien (not by their agents). The contract shall clearly state:

(A) The wages to be paid on an hourly and weekly basis;

(B) Total hours of employment per week, and exact hours of daily employment and an indication that the alien is free to leave the employer's premises at all other times except that the alien may work overtime if paid for the overtime at no less than the legally required hourly rate. However, it is understood that the alien will reside on the employer's premises;

(C) Complete details of the duties to be performed by the alien;

(D) The total amount of money to be advanced by the employer with details of specific items, and the terms of repayment by the alien of the advance by the employer;

(E) That in no event shall the alien be required to give more than two weeks' notice of intent to leave the employment contracted for and that the employer must give the alien at least two weeks' notice before terminating employment;

(F) That a duplicate contract has been furnished to the alien;

(G) That room and board will be provided at no cost to the worker; and

(H) Any other agreement or conditions not specified on the "Job Offer for Alien Employment" form.

(iii) (A) Documentation of paid experience in the form of statements from past or present employers setting forth the dates (month, day, and year) employment started and ended, hours of work per day, number of days worked per week, place where the alien worked, detailed statement of duties performed on the job, equipment and appliances used, supervision exercised, and exact amount of wages paid per day or week. Less than an eight-hour workday may not be counted as work of a full-time nature. The total paid experience must be equal to one full year's employment on a full-time basis. Time spent in a household domestic service training course cannot be included in the required one year of paid experience. For example, two years' experience working four hours per workday is the equivalent of one year of full-time experience.

(B) Each statement must identify the person who signed it and show the date on which the statement was signed. A statement not in the English language shall be accompanied by a translation certified by the translator as to the accuracy of the translation, and as to the translator's competency to translate.

(b) The employer shall also submit, as part of its labor certification application, documentation which shows clearly that:

(1) It has been, recruiting at the prevailing wage, as described at § 656.40 and at prevailing working conditions, and has reason to think it will continue to be unsuccessful in its recruiting of U.S. workers through the public employment system and/or through other labor referral and recruitment sources normal to the occupation;

(2) It has enough funds available to pay the wage or salary offered the alien;

(3) The wage offered equals or exceeds the prevailing wage as determined pursuant to § 656.40, and that the employer guarantees that the wage that will be paid to the alien at the time the alien begins work, if a labor certification is granted, will equal or exceed the prevailing wage, as determined pursuant to § 656.40, at the time the alien begins employment;

(4) The wage offered is not based only on commissions, bonuses or other incentives, but guarantees a wage paid on a weekly, bi-weekly or monthly basis;

(5) It will be able to place the alien on its payroll on or before the date of the alien's proposed starting date of work;

(6) The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age; sex, religion, handicap, or citizenship;

(7) The job opportunity has been and is clearly open to any qualified U.S. workers;

(8) The job opportunity has been and is being described without unduly restrictive job requirements;

(i) The job opportunity requirements, unless adequately documented as arising from business necessity, shall be those normally required for the job in the United States, be those described for the job in the Dictionary of Occupational Titles (DOT) including those for subclasses of jobs, and not include requirements for a language other than English.

(ii) If the job opportunity involves a combination of duties, for example, engineer-pilot, the employer must document that it has normally employed persons for that combination of duties and/or workers customarily perform the combination of duties in the area of intended employment, and/or the combination job opportunity is based on a business necessity.

(9) (i) It has advertised and is still advertising the job opportunity without success in such media as newspapers of general circulation, and ethnic and professional publications;

(ii) Its advertising offers prevailing working conditions and requirements and the prevailing wage for the occupation calculated pursuant to § 656.40 of this Part, states the rate of pay, offers training if the job opportunity is the type for which the employer customarily provides training, and offers wages, terms and conditions of employment which are no less favorable than those offered to the alien;

(iii) Its advertising describes the job opportunity with particularity; the documentation shall include a copy of at least one advertisement placed by the employer;

(iv) Its advertising has produced no satisfactory results;

(10) It has posed within its organization notices of the job opportunity which contain the information required by paragraph (b) (9) (ii) of this section;

(11) Its job opportunity is not:

(i) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(ii) At issue in a labor dispute;

(12) Its other efforts to locate and employ U.S. workers for the job opportunity such as recruitment efforts by means of private employment agencies, advertisements placed with radio or TV stations, recruitment at trade schools, colleges, and universities or attempts to fill the job opportunity by development or promotion from among its present employees, has been and continues to be unsuccessful;

(13) If unions are customarily used as a recruitment source in the area or

industry, they were unable to refer U.S. workers;

(14) Its requirements for the job opportunity, as described, represent the employer's actual minimum requirements for the job opportunity, and the employer has not hired workers with less training or experience for jobs similar to that involved in the job opportunity or that it is not feasible to hire workers with less training or experience than that required by the employer's job offer;

(15) If U.S. workers have applied for the job opportunity, they were rejected solely for lawful job-related reasons; and

(16) Its job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.

(c) The local employment service office shall determine if the occupation for which labor certification is sought is listed on Schedule A. If the occupation is so listed, the local employment service office shall advise the employer that the forms must be filed with an INS or Consular Office pursuant to § 656.22, and shall explain that the Administrator has determined that U.S. workers in the occupation are unavailable throughout the United States (unless a geographic limitation is applicable) and that the employment of the alien in the occupation will not adversely affect U.S. workers similarly employed.

(d) The local employment service office, using the information on the "Job Offer for Alien Employment" form, shall have the employer file a job order requesting United States workers. The local office shall make sure that both the form and the job order are complete. If the job order is incomplete, discriminatory, or otherwise unacceptable as a job order under employment service regulations, the local office shall, as appropriate, either contact the employer to try to remedy the defect or return the form and the job order to the employer with advice on how the defect can be remedied.

(e) If the job order is acceptable and the labor certification application is complete, the local office shall:

(1) Immediately date stamp the form; see § 656.30 for the significance of this date;

(2) Calculate, to the extent of its expertise using wage information available to it, the prevailing wage for the job opportunity pursuant to § 656.40 and shall put its finding in writing. If the local office finds that the rate of wages offered is below the prevailing wage, it shall advise the employer to increase the amount offered, and that, if the employer refuses to do so, and if the labor certification is denied by the Certifying Officer because the rate of wages does not meet the prevailing wage, the application will have to be refiled at the local office.

(f) The local office, in cooperation with the employer, shall then attempt to recruit United States workers for a period of 60 calendar days, except that, if the employer has a previous job order for the same job on file with the same local office, the 60 days shall be reduced by the number of days which have elapsed since the first job order was filed. As part of these efforts, the employer shall advertise the job in a newspaper of general circulation. This advertisement shall conform with the requirements at § 656.21(b)(9), and shall direct applicants to report to the local office for referral to the employer.

(g) If, after 60 days, the recruitment is not successful, the local office shall send the application, its prevailing wage finding and any appropriate additional information such as a local labor market data, to the State employment service office or, if authorized, to the ETA regional office.

(h) A State employment service office, which receives an application, may add appropriate data or comments and shall promptly transmit the application to the appropriate regional Certifying Officer.

§ 656.22 Applications for labor certifications for Schedule A occupations.

(a) An alien or agent of an alien shall apply for a labor certification for a Schedule A occupation by filing a "Statement of Qualifications of Alien" form in duplicate with a U.S. Consular office abroad or with an INS office in the United States.

(b) Since no U.S. workers are available, and since the employment of aliens will not adversely affect the wages or working conditions of U.S. workers, no job opportunity is necessary for a labor certification under this section. No employer, therefore, shall file a "Job Offer for Alien Employment" form on behalf of any alien seeking a labor certification pursuant to this section.

(c) If the alien is requesting a preference described at § 656.2(d)(1), and if the alien has made application for labor certification by filing a "Statement of Qualifications of Alien" form at a Consular office, the Consular Officer shall review the form as appropriate and shall then forward the application to the INS.

(d) An Immigration Officer, or Consular Officer (except as provided in paragraph (c) of this section), shall determine whether the alien has met the requirements of this section, and of Schedule A (§ 656.10), shall review the "Statement of Qualifications of Alien" form and shall determine whether or not the alien is a qualified member of and intends to pursue the Schedule A occupation.

(1) The Officer may request an advisory opinion as to whether the alien is qualified for the Schedule A occupation from the ETA regional office for the area of intended residence.

(2) The decision of the INS or Department of State shall be conclusive and final. The alien, therefore, may not make use of the review procedures set forth at § 656.27.

(e) If the alien qualifies for the occupation, the Immigration or Consular Officer shall indicate the occupation on the "Statement of Qualifications of Alien" form. The Consular or Immigration Officer shall then forward a copy of the certification papers to the Administrator, indicating thereon the Immigration or Consular office which granted the labor certification, and the date of the certification (see § 656.30 for the significance of this date).

§ 656.23 Applications for labor certifications for Schedule B occupations; requests for waivers from Schedule B.

(a) Occupations listed on Schedule B require little or no education or experience, and employees can be quickly trained to perform them satisfactorily. In addition, many of these occupations are entry jobs in their industries which offer opportunities for high school graduates and other U.S. workers who otherwise would have difficulty finding their first employment and gaining work experience. The Administrator has determined that there is generally a nationwide surplus of U.S. workers who are available for and who can qualify for Schedule B job opportunities which offer prevailing wages and working conditions.

(b) Some of the occupations on Schedule B are also often characterized by relatively low wages, long and irregular working hours, and poor working conditions which lead to excessive turnover. In most instances, the Administrator has determined through past experience that the employment of aliens has failed to resolve such employment problems since the aliens, like U.S. workers, often quickly move to other jobs. This results in an adverse effect upon the wages and working conditions of U.S. workers who are employed in occupations which require similar education and experience.

(c) Therefore, the Administrator has determined that for occupations listed on Schedule B, U.S. workers are generally available throughout the United States, and that the employment of aliens in Schedule B occupations will adversely affect the wages and working conditions of U.S. workers similarly employed.

(d) An individual employer or the employer's agent may petition the Regional Administrator, Employment and Training Administration, for the geographic area in which the job opportunity is located for a Schedule B waiver on behalf of an alien with respect to a specific job opportunity. The petition shall include:

(1) The documentation required by § 656.21;

(2) Documentary verification, which the employer has obtained from the local office which contains the job opportunity in its administrative area, that the employer has had a job order for the same job on file with the same local office for a period of 60 calendar days and that the local office an dthe employer, using the job order, were not able to obtain a qualified U.S. worker.

(e) The RA, using the procedures and standards set forth at § 656.24, shall either grant or deny the waiver and shall inform the employer of the determination in writing.

(f) If the RA grants the waiver the Regional Certifying Officer shall grant the labor certification.

(g) If the RA denies the waiver the Regional Certifying Officer shall deny the labor certification and shall follow the procedures at § 656.25(f)(2).

§ 656.24 Labor certification determinations.

(a) If the labor certification presents a special or unique problem, the regional Certifying Officer may refer the application to the national Certifying Officer for determination. If the Administrator has directed that certain types of applications or specific applications be handled in the USES national office, the regional Certifying Officer shall refer such applications to the national Certifying Officer.

(b) The regional or national Certifying Officer, as appropriate, shall make a determination either to grant the labor certification or to issue a Notice of Findings on the basis of whether or not:

(1) The employer has met the requirements of § 656.21;

(2) There is in the United States a worker who is able, willing, qualified and available for and at the place of the job opportunity according to the following standards:

(i) The Certifying Officer, in judging whether a U.S. worker is willing to take the job opportunity, shall look at the documented results of the employer's and the employment service office's recruitment efforts, and shall determine if there are other appropriate sources of workers where the employer should have recruited or might be able to recruit U.S. workers.

(ii) The Certifying Officer shall consider a U.S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupation as customarily performed by other U.S. workers similarly employed, except that, if the application involves a job opportunity in the teaching profession, the U.S. worker must be at least as qualified as the alien;

(iii) In determining whether U.S. workers are available, the Certifying Officer shall consider as many sources as is appropriate and shall look to the public employment service system as one source.

(iv) In determining whether a U.S. worker is available at the place of the job opportunity, the Certifying Officer shall look not only at U.S. workers living or working in the area of intended employment or residence, but also to U.S. workers who are willing to move from elsewhere at their own expense to take the job unless the prevailing practice among employers employing workers in the occupation is to pay such relocation expenses.

(3) the employment of the alien will have an adverse effect upon the wages and working conditions of U.S. workers similarly employed. In making this determination the Certifying Officer shall consider such things as labor market information, the special circumstances of the industry, organization, and/or occupation, the prevailing wage in the area of intended employment, and the prevailing working conditions, such as hours, in the occupation.

§ 656.25 Procedures following a labor certification determination.

(a) After making a labor certification determination, the Certifying Officer shall notify the applicant in writing of the determination.

(b) If a labor certification is granted, the Certifying Officer shall follow the document transmittal procedures set forth at § 656.28.

(c) If a labor certification is not granted, the Certifying Officer shall issue a Notice of Findings, as defined in § 656.50. The *Notice of Findings* shall:

(1) Contain the date on which the Notice of Findings was issued;

(2) State the specific bases on which the decision to issue the *Notice of Findings* was made;

(3) Specify a date, 35 calendar days from the date of the Notice of Finding, by which the applicant may submit documentary evidence to rebut the bases of the determination, and advise the applicant that, if the applicant fails to mail rebuttal evidence by certified mail by the date specified, the Notice of Findings shall automatically become the final decision of the Secretary, denying the labor certification; and

(4) Cite the rebuttal procedures set forth at paragraphs (d) and (e) of this section.

(d) An applicant who wishes to submit documentary evidence to rebut the basis of a Notice of Findings shall send such evidence by certified mail on or before the date specified in the Notice of Findings to the Certifying Officer who issued the Notice of Findings.

(e) If evidence rebutting the bases of the Notice of Findings is submitted on time, the Certifying Officer shall review that evidence in relation to the evidence in the file, and shall then either grant or deny the labor certification pursuant to the standards set forth in § 656.25(b).

(f) The Certifying Officer shall send a "Determination and Transmittal" form to the applicant.

(1) If a labor certification is granted, the Certifying Officer shall follow the document transmittal procedures set forth at § 656.28 of this Part.

(2) If the labor certification is denied, the "Determination and Transmittal" form shall:

(i) Contain the date of the determination;

(ii) State the reasons for the determination; and

(iii) Advise the applicant:

(A) That the applicant may request an administrative-judicial review of the denial pursuant to § 656.26 by mailing a request for review to the Certifying Officer by certified mail within 35 calendar days from the date of the determination; and

(B) That if a request for review is not made within the specified time, the denial shall become the final determination of the Secretary.

§ 656.26 Administrative-judicial review of denials of labor certification.

(a) If a labor certification is denied, the employer or its agent may request an administrative-judicial review of the denial.

(b) The request for review shall be in writing and shall be sent by certified mail to the Certifying Officer who denied the application by the date specified on the "Determination and Transmittal" form, shall clearly identify the particular labor certification determination from which review is sought, shall set forth the particular grounds for the request, and include all the documents which accompanied the "Determination and Transmittal" form.

(c) Upon the receipt of a request for review, the Certifying Officer shall send the request, the complete application file, and copies of all other written material such as pertinent parts and pages of surveys, reports, etc. upon which the denial was based to the Chief Administrative Law Judge of the Department of Labor, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036. If the certification was denied by the national Certifying Officer, the national Certifying Officer shall also send a copy of these documents to the Solicitor of Labor, Attn: Associate Solicitor for Employment and Training Legal Services, Room N2101, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If the certification was denied by a regional Certifying Officer, the regional Certifying Officer shall send a copy of the documents to the Administrator, and a copy to the Solicitor. In the cases of denials involving the teaching profession, two additional copies of the documents shall be sent to the Chief Administrative Law Judge.

(d) A hearing officer, designated by the chief Administrative Law Judge, shall afford all parties, including the Solicitor, 30 days to submit or decline to submit any appropriate legal brief. In the cases of denials involving the teaching profession the hearing officer may request amicus briefs from persons of specialized competence.

(e) The hearing officer shall review the denial of labor certification on the basis of the record upon which the denial of labor certification was made, the request for review and any legal briefs submitted by the parties and shall:

(1) Affirm the denial of the labor certification;

(2) Direct the Certifying Officer to grant the certification;

(3) Remand the matter to the Certifying Officer for further consideration or factfinding and determination; or

(4) Direct that a hearing be held on the case.

(f) The hearing officer shall notify the applicant, the Certifying Officer, and the Solicitor of the determination, and shall return the record to the Certifying Officer unless the case has been set for hearing.

(g) If the case is remanded, the Certifying Officer shall do the additional factfinding or consideration, make a new de-

termination, and issue a new "Determination and Transmittal" form.

(h) If the case has been set for hearing, the hearing officer shall notify the applicant, the Certifying Officer and the Solicitor:

(1) Of the date, time, and place of the hearing; and

(2) That the hearing may be rescheduled upon written request and for good cause shown.

(i) If a labor certification has been ordered granted, the Certifying Officer shall grant the certification and shall follow the document transmittal procedures set forth at § 656.28.

§ 656.27 Hearings.

(a) If a hearing has been ordered by the hearing officer pursuant to § 656.26 (e)(4), the hearing officer:

(1) May reschedule the hearing, as appropriate;

(2) Shall regulate the course of the hearing;

(3) Shall assure that all relevant issues are considered;

(4) Shall rule on the introduction of evidence and testimony;

(5) Shall rule on appropriate motions; and

(6) Shall take any other action, consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded and transcribed except to the extent the substance thereof is stipulated for the record.

(c) The Department of Labor shall be represented by the Solicitor of Labor.

(d) The parties shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(e) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(f) The hearing officer may receive and make part of the record documentary evidence offered by any party. Copies thereof shall be made available to the other interested parties by the party submitting the evidence.

(g) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(h) The hearing shall be conducted in accordance with Sections 5–8 of the Administrative Procedures Act, 5 U.S.C. 553 *et seq.*

(i) Technical rules of evidence shall not apply, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the hearing officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence.

(j) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the hearing officer concludes that their use would promote the efficient advancement of the hearing.

(k) When a public officer is a respondent in a hearing in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(l) The hearing officer shall have jurisdiction to decide all issues of fact and related issues of law, but shall not have jurisdiction to decide upon the validity of Federal statutes or regulations.

(m) The hearing officer may rule:

(1) That the case is improperly before it, that is, that there is a lack of jurisdiction over the case;

(2) That the request for review has been withdrawn in writing;

(3) That reasonable cause exists to believe that the request for review has been abandoned or that repeated requests for re-scheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing; or

(4) Render such other rulings as are appropriate to the issues in question.

(n) The hearing officer shall prepare a written decision and order. The decision shall state its legal and/or factual bases. The hearing officer shall send a copy of the decision and order to the applicant, the Certifying Officer, the Administrator, and the Solicitor. The hearing officer may order the labor certification granted, affirm the denial of the certification, or remand the case to the Certifying Officer for further fact-finding.

(o) Except when a case is remanded to the Certifying Officer for further fact-finding, the decision of the hearing officer shall be the final decision of the Secretary of Labor.

§ 656.28 Document transmittal following the granting of a labor certification.

If a labor certification is granted, except for labor certifications granted for occupations listed on Schedule A, the Certifying Officer shall:

(a) If the employer has already indicated in writing that it will file a petition for a preference described at § 656.2 (d)(1), send the certified application containing the official labor certification stamp, supporting documents, and complete "Determination and Transmittal" form to the employer or, if appropriate, to the employer's agent. The "Determination and Transmittal" form shall indicate that the employer should submit all the documents to the appropriate INS office.

(b) If the employer has not indicated in writing whether or not it will file a petition for a preference described at § 656.2(d)(1) of this Part,

(1) If the alien is abroad, and if non-preference numbers are currently available, send the certified application containing the official labor certification stamp, supporting documents, and complete "Determination and Transmittal" form to the appropriate Consular office;

(2) If the alien is in the U.S., and if non-preference numbers are currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete "Determination and Transmittal" form to the appropriate INS office; and (3) Whether the alien is abroad or in the U.S., if non-preference numbers are not currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete "Determination and Transmittal" form to the employer indicating that the employer should file them with the appropriate INS office;

(c) If the employer has stated in writing that it will not file for a preference as described in § 656.2(d)(1),

(1) If the alien is abroad, and if there are preference numbers currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete "Determination and Transmittal" form to the appropriate Consular office;

(2) If the alien is in the U.S., and if preference numbers are currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete "Determination and Transmittal" form to the employer, indicating that the employer should file a petition for a preference with the appropriate INS office;

(3) Whether the alien is abroad or in the U.S., if preference numbers are not currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete "Determination and Transmittal" form to the employer, indicating that the employer should file them with the appropriate INS office.

§ 656.29 Filing of a new application after the denial of a labor certification.

(a) A new application for labor certification by the same employer on behalf of the same alien involving the same job may be filed at any time after the expiration of 6 months from the date of a denial of certification, except that, if the certification was denied solely because the wage or salary offered was below the prevailing wage, the employer may reapply immediately pursuant to § 656.21.

(b) An alien who is denied a labor certification for a Schedule A occupation may at any time have an employer file on the alien's behalf for a labor certification involving a job offer.

§ 656.30 Validity of and invalidation of labor certifications.

(a) Except as provided in paragraph (d) of this section, a labor certification is valid indefinitely.

(b) (1) labor certifications involving job offers shall be deemed validated as of the date the local employment service office accepted the application as complete and date stamped it; and

(2) labor certifications for Schedule A occupations shall be deemed validated as of the date the applications were dated by the Immigration or Consular Officer.

(c) (1) A labor certification for a Schedule A occupation is valid only for the occupation set forth on the "Statement of Qualifications of Alien" form and for throughout the United States unless the certification contains a geographic limitation.

(2) A labor certification involving a specific job offer is valid only for the particular job opportunity and for the area of intended employment stated on the "Job Offer for Alien Employment" form.

(d) After issuance labor certifications are subject to invalidation by the INS or by a Consul of the Department of State upon a determination, made in accordance with those agencies' procedures, of fraud or willful misrepresentation of a material fact involving the labor certification application. If evidence of such fraud or willful misrepresentation becomes known to a Regional Administrator, Employment and Training Administration or to the Administrator, the Regional Administrator or Administrator, as appropriate, shall notify the INS or State Department, as appropriate.

(e) Certifying Officers shall issue duplicate labor certifications only upon the written request of a Consular or Immigration Officer. Certifying Officers shall issue such duplicate certifications only to the Consular or Immigration Officer who submitted the written request. Certifying Officers, however, shall send a letter, upon the written request of an alien who filed for and obtained a labor certification, or upon the request of an agent of such an alien, to an employer designated in the request. The letter shall state that a labor certification has been issued, give any occupational or geographic limitations applying to the certification, identify the labor certification recipient with specificity, state the date of issuance of the labor certification, and state all other pertinent information requested.

§ 656.31 Labor certification applications involving fraud or willful misrepresentation.

(a) If possible fraud or willful misrepresentation involving a labor certification application is discovered prior to a final labor certification determination, the Certifying Officer shall refer the matter to the INS for investigation and shall notify the applicant in writing of this referral. If 90 days pass without the filing of a criminal indictment or information, the Certifying Officer shall continue to process the application.

(b) If it is learned that an application is the subject of a criminal indictment or information filed in a Court, the processing of the application shall be halted until the judicial process is completed, and the Certifying Officer shall notify the applicant of this fact in writing.

(c) If a Court finds an applicant innocent of fraud or willful misrepresentation, or if the Department of Justice decides not to prosecute an applicant, the Certifying Officer shall not deny the labor certification application on the grounds of fraud or willful misrepresentation. The application, of course, may be denied for other reasons pursuant to this Part.

(d) If a Court, the INS or the Department of State determines that there was fraud or willful misrepresentation involving a labor certification application, the application shall be deemed invalidated, processing shall be terminated, and the application shall be returned to the applicant with the reason therefor stated in writing.

§ 656.32 Fees for services and documents.

(a) No Department of Labor or State employment service agency employee shall charge a fee in connection with the filing, determination, reconsideration, or review of applications for labor certification. Such employees, on request, shall advise applicants on the completion of applications and on procedures set forth in this Part without charge. No charge shall be made for the issuance or transmission of a labor certification.

(b) The Department of Labor's regulations under the Freedom of Information Act at 29 CFR Part 70 on the Examination and Copying of Labor Department Documents provide that fees may be charged for special searching and copying services. These fees shall be applicable to requests to the Department for copies of documents in the custody of the Department which were produced pursuant to this Part, except for official copies of labor certification documents.

Subpart D—Determination of Prevailing Wage

§ 656.40 Determination of prevailing wage for labor certification purposes.

(a) Whether the wage or salary stated in a labor certification application involving a job offer equals the prevailing wage as required by § 656.21(b)(3), shall be determined as follows:

(1) If the job opportunity is in an occupation which is subject to a wage determination in the area under the Davis-Bacon Act (40 U.S.C. 276a et seq.), 29 CFR Part 1, or the McNamara-O'Hare Service Contract Act (41 U.S.C. 351 et seq.), 29 CFR Part 4, the prevailing wage shall be at the rate required under the statutory determination. Certifying Officers shall request the assistance of the DOL Employment Standards Administration wage specialists if they need assistance in making this determination.

(2) If the job opportunity is an occupation which is not covered by a prevailing wage determined under the Davis-Bacon Act or the McNamara-O'Hara Service Contract Act, the prevailing wage for labor certification purposes shall be:

(i) The average rate of wages, that is, the rate of wages to be determined, to the etxent feasible, by adding the wage paid to workers similarly employed in the area of intended employment and dividing the total by the number of such workers. Since it is not always feasible to determine such an average rate of wages with exact precision, the wage set forth in the application shall be considered as meeting the prevailing wage standard if it is written 5 percent of the average rate of wages; or

(ii) If the job opportunity is covered by a union contract which was negotiated at arms-length between a union and the employer, the wage rate set forth in the union contract shall be considered as not adversely affecting the wages of U.S. workers similarly employed, that is, it shall be considered the "prevailing wage" for labor certification purposes.

(b) For purposes of this section, "similarly employed" shall mean "having substantially comparable jobs in the occupational category in the area of intended employment", except that, if no such workers are employed by employers other than the employer applicant in the area of intended employment, "similarly employed" shall mean:

(1) "Having jobs requiring a substantially similar level of skills within the area of intended employment"; or (2) if there are no substantially comparable jobs in the area of intended employment, "having substantially comparable jobs with employers outside of the area of intended employment".

(c) A prevailing wage determination for labor certification purposes made pursuant to this section shall not permit an employer to pay a wage lower than that required under any other Federal, State or local law.

Subpart E—Definitions

§ 656.50 Definitions for terms used in this part.

"Act" means the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.).

"Administrator" means the chief official of the United States Employment Service or the Administrator's designee.

"Agent" means an attorney, or other person who is not an employee of an employer, and who has been designated in writing to act on behalf of an alien or employer in connection with an application for labor certification.

"Applicant" means the person or persons who are applying for a labor certification under this part. Depending upon the context, "applicant" may mean only the alien; the employer; the alien and the alien's agent; or, the employer and the employer's agent.

"Application" means a labor certification application, that is, the form(s) and any other documents submitted by an alien and/or employer (or their agents) in applying for a labor certification under this part.

"Area of intended employment" means the area within normal commuting distance of the place (address) of intended employment. If the place of intended employment is within a Standard Metropolitan Statistical Area (SMSA), any place within the SMSA is deemed to be within normal commuting distance of the place of intended employment.

"Attorney General" means the chief official of the U.S. Department of Justice or the designee of the Attorney General.

"Certifying Officer" means a Department of Labor official who makes determinations about whether or not to grant applications for labor certifications:

(a) A regional Certifying Officer designated by a Regional Administrator, Employment and Training Administration (RA) makes such determinations in a regional office of the Department;

(b) A regional Certifying Officer designated by the Administrator makes such determinations for the Virgin Islands;

(c) A national Certifying Officer makes such determinations in the national office of the USES.

"Consular Officer" means an official of the U.S. Department of State who handles applications for labor certifications pursuant to this Part.

"Determination and Transmittal form" means the form used by the Certifying Officer to notify applicants of labor certification determinations.

"Employment" shall mean permanent full-time work by an employee for an employer other than oneself (except for Schedule A employment). For purposes of this definition an investor is not an employee.

"Employment and Training Administration (ETA)" means the agency within the Department of Labor (DOL) which includes the United States Employment Service (USES).

"Employer" means a person, household, firm, corporation which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a full-time worker at a place within the United States or the authorized representative of such a person, household, firm, or corporation. For purposes of this definition an "authorized representative" shall mean an employee of the employer whose position or legal status authorizes the employee to act for the employer in labor certification matters.

"Hearing Officer" shall mean a Department of Labor official, whether hearing officer or Administrative Law Judge, designated to preside at DOL administrative hearings.

"Immigration and Naturalization Service (INS)" means the agency within the U.S. Department of Justice which administers that Department's principal functions under the Act.

"Immigration Officer" means an official of the Immigration and Naturalization Service (INS) who handles applications for labor certifications pursuant to this part.

"INS", see Immigration and Naturalization Service.

"Job Offer for Alien Employment form" means the form designed to be completed by an employer and to provide a description of the job opportunity in the United States.

"Job opportunity" means a job opening for employment at a place in the United States for which U.S. workers can be referred.

"Labor certification" means the determination and certification to the Secretary of State and to the Attorney General by the Secretary of Labor pursuant to § 212(a)(14) of the Immigration and Nationality Act (a) That there are not sufficient U.S. workers who are able, willing, qualified, and available at the time of an alien's application for a visa and admission to the United States and at the place where the alien is to perform the work, and (b) That the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

"Local employment service office" means an office of a State employment service agency, affiliated with the United States Employment Service (USES), which serves a particular geographic area within a State.

"Notice of Findings" shall mean a preliminary denial of a labor certification application, the basis of which an applicant may submit evidence to rebut.

"Regional Administrator, Employment and Training Administration (RA)" means the chief official of the Employment and Training Administration (ETA) in a Department of Labor (DOL) regional office.

"Physician; Surgeon" means a person whose occupation involves the application of the art and science of medicine and surgery to the diagnosis, prevention, and treatment of diseases and injuries in persons, to disorders of the mind, and to the treatment of women during pregnancy; research into the causes, transmission, and control of disease and other ailments; the practice of medicine, osteopathy, psychiatry, and ophthalmology; or specialization in treating a specific area of the body, or a particular disease, sex, or age group.

"Schedule A" means the list of occupations set forth at § 656.10, with respect to which the Administrator has determined that there are not sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will not adversey affect the wages and working conditions of United States workers similarly employed.

"Schedule B" means the list of occupations set forth at § 656.11 with respect to which the Administrator has determined that there generally are sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will adversely affect the wages and working conditions of United States workers similarly employed.

"Secretary" means the Secretary of Labor, the chief official of the U.S. Department of Labor or the Secretary's designee.

"Secretary of State" means the chief official of the U.S. Department of State or the Secretary of State's designee.

"Supplemental Statement for Live-At-Work Household Domestic Service Job Offer form" means the form which provides for a description of the alien's prospective living and working conditions for jobs which require the alien to live at the place of employment.

"United States Employment Service (USES)" means the agency of the U.S. Department of Labor which has been charged with administering the national system of public employment offices established under the Wagner-Peyser Act of 1933, and with carrying out the functions of the Secretary under Section 212(a)(14) of the Immigration and Nationality Act.

"Teaching profession" means the occupation performed by teachers in elementary and secondary schools, colleges, academies, and seminaries.

"Surgeon": see "Physician; Surgeon."

"United States worker" means any worker who, whether U.S. citizen or alien, who is legally permitted to work permanently within the United States.

Signed at Washington, D.C., this 29th day of October, 1976.

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

[FR Doc.76-32471 Filed 11-4-76;8:45 am]

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION; IMMIGRANT LABOR CERTIFICATIONS

Proposed Revision of Part, and Transfer to 20 CFR Part 656

Notice is hereby given that the Department of Labor, Employment and Training Administration, is proposing to revise its regulations, now published as 29 CFR Part 60, on the granting of labor certifications on behalf of aliens who seek to work permanently within the United States. The proposal is published in this issue as a separate document which proposes to redesignate the regulations as 20 CFR Part 656. When the documents are ready for publication in final form, it is proposed to delete the present 29 CFR Part 60—Immigration; Immigrant Labor Certifications and to publish in the same FEDERAL REGISTER issue the revised regulations as 20 CFR Part 656.

Signed at Washington, D.C. this 29th day of October, 1976.

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

[FR Doc.76-32470 Filed 11-4-76;8:45 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART V:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

COMMERCIAL DIVING STANDARDS

Proposed Standards and Hearing

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

COMMERCIAL DIVING STANDARDS

Notice of Joint Public Hearing

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1926]

COMMERCIAL DIVING OPERATIONS

Proposed Rulemaking and Hearing

Pursuant to sections 6(b), 6(c), and 8 (c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76 (41 FR 24059), and Title 29, Code of Federal Regulations (CFR) Part 1911, it is proposed to amend Subpart T of Part 1910 of 29 CFR by adding a new permanent occupational safety and health standard for commercial diving operations at §§ 1910.401–1910.441. In addition, pursuant to the above authority and section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) and section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), it is proposed to amend Parts 1915, 1916, 1917, 1918, and 1926 of 29 CFR by incorporating by reference the new standard for commercial diving operations which will appear at 29 CFR 1910.401 et seq.

The Act provides, among other things, that the Secretary of Labor:

> * * * in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.
>
> * * * * *
>
> In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. (Section 6(b)(5) of the Act, 29 U.S.C. 655)

This standard would apply to all commercial diving and related operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, ship breaking, and longshoring, except for certain specified exceptions which are set forth below. The proposed standard includes requirements pertaining to the following subjects: personnel and medical qualifications, general and specific operations procedures, decompression table assessment, underwater work operations, diving equipment and systems, and recordkeeping and reporting.

The Occupational Safety and Health Administration (OSHA) requests the submission of written comments, data, and arguments from interested persons on all the issues raised by this proposal. In addition, pursuant to section 6(b)(3) of the Act, there will be an informal rulemaking hearing to provide further opportunity for the submission of evidence and discussion of the issues. The hearing will begin on December 16, at the time and place specified below.

At the rulemaking hearing, the entire proposed standard, including its scope and applicability, will be an appropriate issue for consideration. OSHA intends to present a number of expert witnesses to present evidence and to discuss major concepts incorporated in the proposal; it also invites public testimony and evidence relating to any of the issues raised by or related to the proposal. In addition, the issues of technological and economic feasibility, as well as any potential inflationary impact, of the proposal are appropriate for the presentation of testimony and evidence. After the hearing, OSHA will issue a final standard based on the full record developed in this and related proceedings. Details concerning public participation in this rulemaking proceeding are provided below.

I. Procedural History

A. *Emergency Temporary Standard.* On June 15, 1976, the Assistant Secretary of Labor for Occupational Safety and Health issued an Emergency Temporary Standard (ETS) for Diving Operations (41 FR 24272) as Subpart T of 29 CFR Part 1910, §§ 1910.401 et seq. It was issued pursuant to sections 6(c) and 8(c) of the Act, Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911.

The background and reasons supporting issuance of the ETS and discussing its provisions were set forth in 41 FR 24272–24285, and are incorporated herein where appropriate. On August 8, 1975, a petition by the United Brotherhood of Carpenters and Joiners of America, AFL–CIO, was presented to the Secretary stating its belief that a situation of grave danger existed within the diving industry and urging that an ETS be issued with respect to diving operations to protect exposed employees. An informal fact-finding hearing was convened by OSHA in Washington, D.C., November 11–14, 1975. In conjunction with OSHA's evaluation of the data gathered during such hearings, a Federal interagency task force was assembled to provide technical support to OSHA with respect to a possible operational safety and health standard for commercial diving operations. Supplementing this effort, OSHA consulted with several independent diving experts on a number of subjects pertinent to the regulatory effort. Based on the evidence gathered, the Assistant Secretary determined, in accordance with section 6(c) of the Act, that divers were being subjected to grave dangers from toxic substances and harmful physical agents, as well as from new hazards, and that an ETS was necessary to protect the exposed employees from such danger. In particular, the Assistant Secretary found that commercial diving was an inherently dangerous occupation; that there was an almost complete absence of mandatory regulations to protect employees from the hazardous working conditions; that unsafe work practices existed within the industry; and that divers were being exposed to increased safety and health risks as a result of recent and anticipated diving activity at deeper depths.

The ETS was to have been effective on July 15, 1976. However, on August 11, the U.S. Court of Appeals for the Fifth Circuit issued an indefinite stay of the ETS pending a final decision on its validity, *"Taylor Diving and Salvage Co., Inc. et al. v. U.S. Department of Labor,"* Civil Action No. 76–2886 (CA 5, 1976). As of the date of this publication, the Court has not yet ruled on the merits of the ETS. Pursuant to the court order, the ETS has not been enforced by OSHA. For the reasons fully stated in a notice published this date (41 FR 48969), the ETS is being withdrawn.

B. *Development of the Proposed Permanent Standard.* To develop the proposal for a permanent standard, the Federal interagency task force was reassembled with representation from OSHA, the U.S. Coast Guard, the U.S. Navy, the National Institute for Occupational Safety and Health (NIOSH) of the Department of Health, Education and Welfare, the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce, and the Smithsonian Institution. Individuals were assigned to the task force by their respective agencies for the purpose of providing technical and scientific support; as such, their participation was not intended to represent agency endorsements of the OSHA proposal.

In formulating this proposed permanent standard, OSHA has reevaluated the substantive provisions of the ETS in light of all the information relied on and referred to in the ETS and additional information made available to the agency since publication of the ETS. In addition to public comments which have been received on the ETS and recommendations from experts, other sources of information have included the final draft of a proposed standard and supporting technical narrative of the NIOSH-Undersea Medical Society-Tarrytown Labs, Ltd. project on "Recommended Medical and Operating Standards For Divers" (August, 1976), and the July and September 1976 "ballot" drafts of a proposed voluntary standard being developed by the American National Standards Institute's Z–135 Committee on Safety in Commercial and Industrial Diving Operations.

Inasmuch as many diving operations are closely associated with, or related to, construction activities, OSHA deemed it appropriate to seek the advice and recommendations of the Advisory Committee on Construction Safety and Health established under the Construction Safety Act (the Advisory Committee) prior to OSHA's formulation of a proposal. This step was taken pursuant to 29 CFR 1911.10 and 29 CFR 1912.3.

In August 1976, the Advisory Committee met formally to discuss materials and information relating to the occupational

safety and health aspects of commercial diving operations. On August 9 and 10, OSHA presented to the Advisory Committee, in addition to the provisions of the ETS and background material, the major concepts contemplated for inclusion in the new proposal. On August 26 and 27, the Committee considered an OSHA draft proposal which was prepared for the Advisory Committee and made available to the public in advance. During the Committee's deliberations, a significant number of oral and written comments were presented by persons representing various sectors of the diving community. In the course of its meeting, the Committee publicly presented its recommendations to OSHA. OSHA has considered all the recommendations of the Advisory Committee, as well as the entire record before the Committee. Many of its recommendations have been incorporated into the proposal. However, based on evaluation of the overall evidence, OSHA was unable to accept certain of the Advisory Committee's recommendations. The reasons for the agency's disposition of the Committee's major recommendations have been included in the substantive explanation of this proposal.

Pursuant to the interagency Memorandum of Understanding dated June 9, 1976 (41 FR 24291, June 15, 1976), the United States Coast Guard intends to publish a notice of proposed rulemaking which will be substantively in agreement with this proposal. The public hearing indicated herein will be held jointly with the United States Coast Guard.

II. Nature of the Diving Industry

A March 1975 analysis, based on data compiled through January 1973, made by NOAA indicated that there were approximately 2,300 commercial divers in the United States at that time. Today, this number has probably increased. Commercial divers perform a variety of underwater tasks and may be engaged in diving in any of the country's coastal waters, the Outer Continental Shelf, throughout the Great Lakes region, or in any of the nation's rivers and inland lakes.

The structure of the commercial diving industry is such that basically 90 percent of all offshore operations are conducted by some 23 contractors who employ over half of the country's commercial divers. In addition, there are approximately 400 small and medium size diving companies, whose work is principally confined to relatively shallow waters in harbors and inland waterways. In much of the diving industry the work is seasonal. All diving contractors, but especially the smaller ones, depend on part-time divers to fill temporary manpower needs.

Prior to about 1960 almost all commercial diving in the United States was located in harbors and inland waterways, and consisted mainly of construction, repair and salvage work. However, with the past decade and a half, in conjunction with the national quest for greater energy and mineral resources, new areas, primarily those located in coastal waters and further offshore areas, have been opened for exploration and development. Recent international political and economic developments have caused this trend to accelerate. This in turn has created a greater demand for the services of divers, who are utilized in each of the three phases of the offshore oil industry: exploration, construction, and production.

According to the U.S. Department of Interior's Bureau of Land Management, there are currently over 2,000 oil and gas producing facilities in the Gulf of Mexico and five off California's Santa Barbara channel. The NOAA study estimated the diver population in the Gulf of Mexico to be 905 full-time and 450 part-time divers. Several states, namely Alaska, California, Texas and Louisiana, have recently expanded their offshore leasing activities. In addition, the Federal government has initiated a program of leasing new sections of the Outer Continental Shelf. Major sales have been made within the past year off the California Coast, the mid-Atlantic Coast, in the Gulf of Alaska, and in the Gulf of Mexico. The leasing schedule calls for six such sales a year through 1978. The Department of Interior anticipates that, as a result of this activity, approximately 400 new platforms and as many as 70 new underwater pipelines will be constructed in the foreseeable future.

While the majority of inland and harbor diving occurs at depths less than 100 FSW, the offshore diver works at depths exceeding 300 FSW, and occasionally to 500–600 FSW. Technology is sufficiently advanced to enable diving to depths approaching and sometimes exceeding 1,000 FSW. Based on the current leasing schedule, working dives to these deeper depths can be anticipated.

III. The Diver's Work Environment

Divers are called upon to use their skills in activities such as construction, repair, salvage, inspection, and rescue operations.

Commercial diving involves exposure to a high degree of risk. The diver's work environment is inherently hostile, containing a multiplicity of hazards. Many divers are subjected to the dangers commonly associated with construction work, such as welding operations and the manipulation of heavy objects. In addition, they must often work in isolation for long periods of time and are exposed to a variety of decompression-related illnesses and injuries.

To perform their tasks, divers must rely completely on external life-support systems while working under severe performance limitations. These limitations include diminished sensory and perceptual capabilities, interference with cognitive processes and psychomotor skills, and reduced physical working capacity. Factors such as environmental, psychological, and/or physiological stress, inadequate or poorly designed tools and inadequate training further impede the diver's efforts. To work successfully, the diver must adapt to his environment, be familiar with his equipment, and learn to select work strategies appropriate to the task.

In diving, several techniques and modes are utilized. These include self-contained (SCUBA), surface-supplied (air or mixed-gas), bell, and saturation diving. Their appropriateness for any particular situation depends on a number of factors, including depth, time, nature of the operation to be performed, and the experience and technical capabilities of the persons involved. Each has its unique operational advantages and poses its special hazards.

SCUBA diving, where the diver carries his own breathing gas supply, is used primarily for inspection and search activities. Diver inwater mobility and ease of operation are its principal assets. The breathing resistance of the diver's equipment, his difficulty in physically orienting himself to the work site, the limited breathing gas supply, and the absence of voice communications with the surface limit the usefulness of SCUBA in commercial activities.

Surface-supplied diving, using either helmet or mask, is more common throughout the diving industry. This method involves supplying the working diver with his breathing mixture, whether air or mixed gas, through a hose from a source located on the working platform. This method of supplying the diver with life support allows some monitoring of his activities because he is tethered to the surface. The major safety limitation of this mode is the duration of inwater exposure. While the diver is working in the water, he is continuously subjected to temperatures, currents and other adverse factors of his working environment. In addition, if decompression is carried out in the water, these factors are intensified, making a protracted inwater stay debilitating.

When a dive is particularly deep or lengthy, the inherent hazards discussed above are exacerbated, and bell diving becomes appropriate. A diving bell is a device which allows the diver to be transported to and from the underwater worksite in an enclosed dry compartment. It may have an open bottom, or it may be closed. With a bell, the diver has a shorter umbilical or life support bundle, is always close to a place of refuge, and can be decompressed in the relative safety of an enclosed environment. In the event of difficulty, the dive can readily be aborted with little jeopardy to the diver.

Mixed-gas diving is carried out with mixtures of oxygen and gases such as helium and/or nitrogen. Mixed gas replaces air as the breathing mixture when the partial pressures of oxygen or nitrogen in the compressed air become toxic or narcotic. Consequently, mixed gas is used during longer and/or deeper dives. Mixed gas is used in conjunction with surface-supplied bell and saturation diving.

Mixed-gas diving may be of short duration, medium duration, or be used in saturation. Short duration mixed-gas dives are used for minor repair, inspection, and other diving support tasks.

Working time is usually 15 to 30 minutes. This type of diving is characterized by relatively short decompression times. Medium duration diving includes dives which generally last up to one hour or more and may involve longer decompression times, depending on depths. Saturation diving is used in situations where the diver will be exposed to hyperbaric pressure for long periods. For diving depths exceeding 400 FSW with working times over two hours, saturation diving is commonly used. In saturation diving, body tissues become saturated with as much inert gas as they can absorb at ambient pressure. The advantage of saturation is that once the body tissues become saturated with inert gas at any given depth, no additional decompression time is needed regardless of the length of time the diver stays at that ambient pressure. However, the saturation mode usually involves very long periods of decompression and isolation for the divers involved. This can be both psychologically and physiologically wearing. The chronic effects, if any, of long-term exposure have yet to be fully evaluated. Saturation diving is always conducted in conjunction with a closed bell or deep diving system.

Whatever the diving technique or mode used, the ability of diving and support personnel to act effectively and safely together is dependent upon their level of competence. Improper actions on the part of the diver or support personnel can quickly lead to dangerous situations; not knowing what to do in an emergency can be fatal. In addition to being qualified to perform their task safely, divers and others who may be exposed to hyperbaric (or high pressure) conditions must be physically fit. It is essential, therefore, that a high level of training, work skill, physical fitness, and supervision be maintained for each diver and diving operation.

In addition to personnel qualifications and medical fitness, a dive crew must follow sound operating procedures to promote the diving operations' safety and efficiency. Although the exact conditions to be met cannot always be determined until the operation begins, advance planning is essential to the proper selection of techniques and equipment which will achieve maximum safety under anticipated conditions. However, no single set of procedures can anticipate all operating situations. Sound judgment, the ability to recognize present or developing hazards, and maximum attention to personnel safety are fundamental to safe diving operations.

Effective planning requires a thorough evaluation of what the diver must do to complete the job. If operations lack appropriate tools or materials for a given task, improvisation of equipment or rigging is inevitable. Improper task evaluation may also require an extension of bottom time, forcing unplanned or lengthened decompression time. Such poor planning increases the danger of the operation to the diver.

Environmental conditions often affect the choice of diving procedure and frequently determine whether diving can be carried out safely. Sea state, sea and air temperatures, weather conditions, underwater visibility and currents, and the nature of the bottom all have significant influence on diving safety and need to be evaluated prior to and throughout any diving operation.

Proper planning for emergencies and development of appropriate contingency plans are essential to the safety of all diving activities. Specific written instructions covering anticipated emergency situations must always be made available to all affected members of the diving team. In an emergency many forms of outside aid may be required. Careful consideration must be given to these factors before any operation is undertaken, so that such aid may be obtained as quickly as possible when needed. Moreover, the remoteness of many dive sites places a premium on effective on-site first aid and medical treatment in emergencies.

For reasons of safety, other precautions must be routinely incorporated into the diving operation. Examples of such precautions are maintaining the diver's body temperature, having sufficient breathing gas reserves in case of failure or depletion of the primary source of supply, and providing a standby diver to aid the working diver promptly when inwater assistance is necessary.

Similarly, whenever diving outside the no-decompression time-depth limits is planned, appropriate decompression tables designed to return the diver to the surface safely must be followed. In the event that decompression sickness does develop, means to recompress the diver to eliminate his symptoms must be available.

The availability of written manuals, dive plans, and predive instructions prior to an operation must be basic to all diving operations. The contribution of written instructions and effective communications to safety is not limited to emergency or contingency situations. Many types of communications are vital to safe diving. Whether used to warn other vessels in the area of the dive operation, to summon emergency aid, or to coordinate operations between the diver and the surface, reliable two-way communication is essential.

The type and quantity of equipment used is also critical to the conduct of a safe operation. All equipment must always be in proper operating condition and thoroughly tested prior to the diving operation. The safety implications of equipment failure or misuse for the diver and possibly the surface crew are so critical that the greatest attention must be given to equipment condition and suitabilty.

In addition to familiarity with his personal equipment, the diver must also be competent in the use of the tools necessary to perform his tasks. Such familiarity requires training and practice to develop and maintain the required proficiency. This is especially true because many of the work tasks performed by divers, such as burning, welding, and using explosives, are themselves very hazardous.

The quantity and quality of a diver's breathing gas are also fundamental to the diver's safety. The quality of compressed air or mixed gas must always be considered. Oil, carbon monoxide and carbon dioxide can pose significant contamination hazards. Compressors must be well maintained and draw their air from exhaust-free locations. Similarly, all breathing gas hoses must be oxygen cleaned to purge them of contaminants which could otherwise react with oxygen under pressure. Hoses are a diver's lifeline, and, as such, their integrity must be protected to assure safety. All hoses comprising the diver's life support bundle which are exposed to potential damage as a result of falling objects, abuse, or heavy traffic must therefore be protected.

IV. Physiological Hazards

Divers are particularly, and in some cases uniquely, exposed to certain kinds of physiological hazards. On any dive, the diver must adapt to such potentially harmful physical agents as pressure, breathing mixture, water, and possibly to temperature extremes. One pervasive variable is the element of depth. Increased depth means an increase in the pressure exerted on the diver's body, approximately 1 atmosphere (14.7 pounds per square inch) for every 33 feet of depth. While every increase in pressure does not necessarily create a proportionately greater physiological risk, many medical hazards are inherently pressure-related.

In a hyperbaric environment, the increased gas pressure of the breathing mixture forces more gas to be dissolved in the body than occurs at atmospheric pressure. Subsequent ascent to a lesser environmental pressure causes this absorbed gas to come out of solution in the form of bubbles, which can produce decompression sickness and other diving-related disorders either directly or indirectly. This condition can be prevented or at least minimized by controlling the ascent rate of the diver.

The term decompression sickness is applied to adverse symptoms which occur as the result of a reduction in ambient pressure. The symptoms may vary from mild local pain or itching of the skin to neurological effects or collapse with unconsciousness. Decompression sickness usually causes symptoms shortly after a dive or other pressure exposure, or before reaching the surface from deeper dives.

The major categories of decompression sickness are: (1) "Pain-only" or "bends" (limb bends and cutaneous or skin manifestations); (2) audio-vestibular disorders; and (3) central nervous system (CNS) involvement, chokes, shock or unconsciousness. Bends affect joints, and are characterized by a deep, steady pain which is not relieved by movement or changing the position of the limb.

Decompression sickness which causes permanent or residual damage to the

central nervous system or to the audio-vestibular system is particularly serious. Decompression sickness involving the audio-vestibular system may be manifested as partial or total hearing loss, a ringing of the ears, or a sudden severe dizziness and nausea. This type of decompression sickness occurs more often during decompression from very deep dives. Among the symptoms indicating CNS involvement are numbness, weakness, abdominal pain, unconsciousness, shock, visual disturbances, nausea and vomiting, speech difficulty, and dizziness.

Ultrasonic monitoring has shown that some bubbles always exist during decompression, even in the absence of overt symptoms of decompression sickness. These bubbles have been identified as causing damage to the linings of the blood vessels and other changes in the blood itself, and are also the cause of long-term subtle physiological effects on various organs of the body.

As a result of exposure to a hyperbaric environment, divers as a class are also subjected to increased risk of skeletal damage. This damage, generally known as dysbaric osteonecrosis, is the result of gas absorption into and release from tissue which, in varying degrees, cause death of the bone and/or marrow. In its earliest stages, dysbaric osteonecrosis appears as a lesion of a long bone. If a serious lesion is situated near a joint, structural failure which results in pain and limitation of movement may occur. This condition may be followed by the development of degenerative arthritis. While the use of carefully tested decompression tables will not eliminate skeletal damage entirely, the use of such tables may reduce the incidence of dysbaric osteonecrosis.

Other decompression-related medical problems can occur as a result of the reduction of ambient pressure. The most prominent of these is gas embolism, usually caused by over-expansion of the lung, caused by a diver's holding his breath while ascending. Gas forced into the bloodstream continues to expand as the ascent continues; gas bubbles which become too large to pass through the blood vessels cause an obstruction or emoblus which blocks the proper flow of blood. The bubble or embolus of air or gas thus forced into the bloodstream may be carried directly to the brain, arteries, or spinal cord. Such gas may also flow under the skin and collect around the heart or in the chest, causing collapse of a lung. Embolism causes such serious symptoms as weakness, disorientation, visual and hearing disturbances, dizziness, nausea, shock and/or unconsciousness; it is fatal unless recompression is accomplished immediately.

Different problems may arise as a diver descends in the water if the pressure in the natural air passages of the body cannot be equalized due to blockage of air in the passages. This condition is known as barotrauma ("squeeze"). If the pressure imbalance is great enough, ruptured blood vessels or harmful tissue damage can result. This form of barotrauma most commonly affects the middle ear, but may also occur in the external ear, teeth, lungs, intestines, face, or whole body. With the increase in repetitive and deeper exposures, such as those in saturation diving, and the reliance on mixed gas as a breathing mixture, instances of ear squeeze involving auditory and vestibular dysfunction have become more common. Divers cannot safely perform sophisticated underwater operations if their auditory-communication and vestibular-orientation systems are malfunctioning.

A further compression-related physiological hazard is the High Pressure Nervous Syndrome. This is a neurological condition caused by an excessive compression rate while descending to great depths. It is manifested as changes in the brain's electrical activity, causing tremors, fatigue, nausea, and dizziness. Its onset makes effective work at these depths difficult, with concomitant risk to the diver.

In addition to the hazards caused, directly or indirectly, by the increased pressure to which divers are exposed, they are also subjected to a number of hazards associated with their breathing mixtures. The diver's life depends upon the quantity and quality of his breathing mixture. Certain physcial risks are posed to divers by the mere fact that they breathe compressed mixtures, whether air or a mixture of gases (usually oxygen-helium, or oxygen-nitrogen-helium), and they must rely upon special equipment (compressors, gas cylinders, helmets or masks, and hoses). Any deviation from prescribed procedures, particularly in very deep diving, where the margin of error is very narrow, can result in a number of respiratory problems. Because of the particular nature of the underwater environment, any such problem is potentially very serious.

Among the potential dangers relating to breathing mixtures under hyperbaric conditions are oxygen deficiency, oxygen poisoning, nitrogen narcosis, and hydrocarbon contamination. Oxygen deficiency results in insufficient oxygen reaching the cells for normal metabolism. It may occur as hypoxia, or too little oxygen reaching the cells due to loss or inadequacy of the air supply; hypercapnia, or carbon dioxide poisoning resulting from inadequate ventilation; or carbon monoxide poisoning, which may be caused by induction of exhaust fumes into the breathing mixture. Depending on the severity of the condition, symptoms of oxygen deficiency include drowsiness, confusion, lack of fine muscle control, discomfort, rapid breathing, and unconsciousness.

An excess of oxygen as well as its lack can be a problem for the diver. Oxygen must be in all breathing mixtures, but oxygen in excess of that encountered at normal atmospheric conditions may be toxic to the body, depending on its concentration and the length of exposure. Prescribed depth, bottom time, and maximum oxygen partial pressure limits usually prevent the development of oxygen toxicity during the dive. Oxygen toxicity may also be encountered when pure oxygen is administered during decompression or recompression treatment, if the chamber atmosphere is not constantly monitored during decompression. The symptoms of oxygen poisoning most often encountered are muscular twitching, nausea, dizziness, tunnel vision, abnormal hearing, breathing difficulty, anxiety and confusion, unusual fatigue, lack of coordination, and convulsions.

Similarly, high partial pressures of nitrogen in the breathiing mixture produce nitrogen narcosis, which is characterized by slowing of reaction time and mental activity, idea fixation, and general euphoria. There is a wide variance in susceptibility to nitrogen narcosis among individuals, but its symptoms can be felt deeper than 100 feet and increase significantly in air diving deeper than 190 feet. The greatest hazard of nitrogen narcosis is that it may prompt the diver to disregard normal safety precautions.

Another hazard associated with breathing compressed air or mixed gas is the possible presence of contaminants in the breathing mixture which can result in lung damage or pulmonary edema. Contaminants from the engine exhaust or oil from the air compressor can cause serious lung damage if they get into the breathing mixture.

Of course, divers are exposed to the hazards inherently associated with water as a work environment. Drowning, which may be caused by overexertion, panic, or inability to cope with rough water and the effects of adverse water temperature, is one such risk. Prevention of this hazard is best achieved by establishing safe diving practices and by selecting diving personnel carefully.

In addition, the diver is often exposed to the hazards which accompany other physically demanding and stressful occupations. A diver is often called upon to perform difficult work tasks under extreme circumstances. Much of the work involves heavy construction in deep water and the manipulation of large and heavy objects. The normal hazards of such work are compounded by the fact that the diver is in the water, dressed in cumbersome gear, limited in his mobility and visibility, and sometimes restricted to a confined space. The risk of serious trauma is therefore always present, and injuries, such as severe crushing, amputation, head injuries, compound fractures and burns must be anticipated and protected against.

Additionally, any accident or illness, even if otherwise minor, can become a serious medical emergency to a diver who is isolated and in the water under pressure. This period of isolation can be quite lengthy. Accordingly, there is a need for careful advance planning so that personnel may respond to such emergencies in a manner which reduces the likelihood of severe injury and illness.

V. Explanation and Summary of the Proposed Standard

The proposed standard includes requirements for personnel and physical

qualifications, general and specific operation procedures, diving equipment and systems, and recordkeeping and reporting. While similar to the ETS in structure and concept, it differs substantially in several significant respects. An explanation of the substantive provisions of the proposal follows. Reference should also be made to the discussion of the substantive provisions in the preamble to the ETS.

1. *Scope and application* (*§ 1910.401*). The proposal is comprehensive in scope and application, covering all employments within the Act's jurisdiction including general industry, construction and maritime, except for diving operations which involve open-circuit, compressed-air SCUBA diving within the no-decompresion time-depth limits and which are engaged in solely for instructional or educational/scientific purposes. Diving operations must meet all these conditions to be exempt from the standard. Individuals engaged in recreational or sport SCUBA diving for their own personal enjoyment, and not otherwise related to their respective employments, are not within the jurisdiction of the Act, and therefore are outside the scope of this standard.

This exclusion for certain instructional and educational/scientific SCUBA diving is a recognition by OSHA that the working conditions of commercial divers and of SCUBA instructors or educational/scientific divers are not comparable. The latter do not use surface-supplied equipment or mixed gases; do not engage in diving requiring decompression, bells or saturation techniques; do not utilize explosives or burning or welding tools; do not engage in live-boating; and are seldom, if ever, exposed to adverse sea states, temperature extremes, or otherwise less than optimal working conditions. Inasmuch as the substantive provisions of this proposal are addressed to work hazards usually associated with commercial work functions and those involving a high degree of risk or stress, its application to such instructional and educational/scientific SCUBA diving would not be appropriate.

This proposed exclusion rejects the recommendation of OSHA's Advisory Committee on Construction Safety and Health, which urged that the entire diving community be placed under a single standard. The Committee's advice was premised upon the proposition that every OSHA standard should encompass all affected employments and be universally applicable. While not disputing the principle of the Committee's reasoning, OSHA believes that following such a course in this case would neither maximize OSHA's enforcement capability nor appreciably improve the safety and health of the included groups of workers. Because of the widespread interest generated by this issue, OSHA feels that the standard's intended scope should be fully explored during the rulemaking proceeding. Therefore, all potentially affected parties, including those being proposed for exclusion, are urged to address this subject specifically in their comments.

Agencies of the United States government are not considered "employers" pursuant to section 3(5) of the Act (29 U.S.C. 652), and therefore employees of such agencies are not within the jurisdiction of this rulemaking proceeding. Standards affecting such employees are developed in accordance with section 19 of the Act (29 U.S.C. 668), under which it is the responsibility of each agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated by OSHA under section 6 of the Act. In this regard, it should be noted that the agency does not intend that this proposal be made applicable under section 19 of the Act to military diving operations being conducted by Federal agencies. OSHA recognizes that the purposes and circumstances surrounding such operations make the application of the proposed standard inappropriate as a basis for such agency's safety and health program.

For those activities covered by the proposal, the responsibility for compliance with its requirements, as in all OSHA standards, is placed upon the employer. In the ETS, this obligation was generally expressed by requiring the employer to "ensure" that a given requirement be met. Public comments indicated that this was being construed as an imposition of absolute liability upon the employer. This was not OSHA's intention. Therefore, in accordance with the Advisory Committee's recommendation, and to eliminate the possible misinterpretation, the proposed standard has eliminated the use of "ensure" to describe the level of the employer's responsibility for compliance, and has instead substituted "confirm," "provide," "instruct," or other appropriate terms. This change in wording should not be construed as imposing a lesser obligation on the employer than the maximum permitted by the Act.

2. *Definitions* (*§ 1910.402*). In addition to minor modifications to some of the definitions in the ETS, the proposal contains definitions of new terms which appear for the first time. All of these definitions, which conform basically to the general usage in the diving community, serve to clarify the intent of the standard.

3. *Personnel qualifications* (*§ 1910.410*). In addition to stating what an employer must require of divers and other employees with regard to experience, proficiency and medical qualifications, the proposal establishes basic qualifications needed by employees who are to fulfill the functions of diving paramedics, operators of decompression chambers, and designated persons-in-charge of diving operations. In establishing basic criteria for such personnel, the proposal does not intend to create formal job titles or categories, or establish work practices. Depending on circumstances, employees fulfilling these functions may or may not be existing members of the crew engaged in other roles necessitated by the particular diving operation. Without regard to how an employer structures his dive team, it is OSHA's intention to require that a qualified person be designated in charge of each diving operation at all times. This function may be fulfilled either by the employer himself or a qualified employee. This requirement recognizes the need for a person on the site to be responsible for making certain that the operation is carried out in a safe and healthful manner.

4. *Medical requirements* (*§ 1910.411*). The proposal places an obligation on the employer to provide or make available at his cost the services of a licensed physician to perform medical examinations to establish an employee's physical qualifications. Comprehensive medical examinations are necessary so that employers are able to make the required determinations that their employees are physically capable of performing assigned tasks in a safe and healthful manner.

The medical requirements have been expanded to cover all employees who may be subjected to hyperbaric pressure, in addition to divers. Many surface support personnel are qualified divers, but some non-diving employees who are not qualified as divers are occasionally subjected to hyperbaric conditions, as when they are called upon to enter pressure vessels for human occupancy (PVHO's) such as decompression chambers to provide emergency medical treatment. When they do so they, like divers, need to be physically capable of withstanding hyperbaric pressure. These employees must be physically fit and must not have any of the disqualifying medical conditions specifically listed in the medical requirements .

The section on the examining physician's written report makes clear that the employer has an obligation to require the physician to give an opinion as to the employee's fitness to perform his assigned duties. The physician is not asked to make predictions, but rather to offer a medical judgment as to the employee's fitness at the time of the examination. This judgment must be supported by separate opinions as to the state of certain specified and relevant aspects of the employee's physical makeup.

The section on alternative medical examinations as stated in the ETS has been dropped in its entirety. However, the choice of when to administer many of the medical tests (Table I) is left, within certain guidelines, to the discretion of the physician. For instance, the EKG stress and pulmonary function tests are now required only if medically indicated.

The initial examination, which must be conducted within 30 days of the effective date of the standard, can be delayed for as long as a year if an employee can show that he has had a similarly comprehensive examination within the year preceding the effective date of the standard, with satisfactory results. A medical reexamination is required annually. Unless medical reasons dictate otherwise, the annual reexamination is intended to be less comprehensive than the initial examination. A medical reexamination is also required to verify the current fitness of employees to do assigned tasks after sustaining certain classes of injuries and illnesses.

Table I has been modified in accordance with information received from experts in diving medicine since publication of the ETS. The tests listed in Table I were selected to provide the necessary medical information about those aspects of an employee's physical condition which have particular medical relevance for diving and to assure, to the extent possible, that the employee can withstand the particular stresses associated with diving.

Triennial reexamination for bone and joint lesions by X-ray techniques is necessary. Earlier reexamination is necessary in the case of a diver who exhibits evidence of osteonecrosis. The British Medical Research Council (BMRC) Decompression Sickness Registry interpretation of X-rays is required, while its techniques are recommended. This recommendation allows the more advanced radiographic techniques recently developed in this country to be used for bone surveys. It also allows employers to accept the radiographs of employees who have been X-rayed abroad using the British techniques rather than requiring them to undergo additional X-ray exposure. OSHA is aware that the required X-ray examinations may pose a risk with respect to pregnant female divers, and invites additional information and comments on this subject.

Medical testimony presented to the Advisory Committee suggests that standard EKG's only need to be given routinely to persons after the age of 35 who are engaged in a stressful occupation such as diving. The EKG stress test is required only as medically indicated; such examination should only be performed when diagnostic signs indicate that the employee is experiencing abnormal stress when subjected to otherwise physiologically acceptable workloads. In addition, the pulmonary function and the electroencephalogram (EEG) tests are required only when medically indicated.

Audiometry by pure tone audiogram is required initially and annually, and additionally a bone conduction test is required if medically indicated. The ability to hear verbal communication is important to the diver's safety, particularly in light of the proposed standard's requirements for audio-communications.

The uniqueness of the diver's work environment makes diving with certain serious medical conditions incompatible with the goals of safety and health. The list of disqualifying conditions which appeared in the ETS has been restructured and expanded. In particular, drug abuse, history of psychosis, significant malignancies, destruction of one vestibular end organ, recurrent Meniere's disease, and grossly impaired hearing have now been identified as disqualifying conditions. Grossly impaired hearing, as defined in the proposal, is hearing loss sufficient to prevent a diver from responding appropriately to verbal communication from the surface under auditory conditions equivalent to the most difficult to which the diver is likely to be exposed. The list of medical disqualifications has been expanded based on the work done in connection with the NIOSH proposed standard and conforms substantially with the recommendations found in the ADC Manual and the latest ANSI Z-135 drafts. The existence of any of these conditions would create an unacceptably high risk of permanent or serious injury to the employer if exposure is continued and might also jeopardize the well-being of other members of the diving team. OSHA recognizes that requiring an employer to disqualify an employee from work for reasons of safety and health is a sensitive matter, which raises a number of critical issues. As indicated in the recent coke oven standard (41 FR 46742, 46780), this is a policy area to which OSHA intends to devote further study, through an advisory committee, or other means.

While the coke oven standard does not contain a mandatory removal provision if an employee is determined to be at increased risk of material impairment to his or her health from exposure to coke oven emissions, we believe that the particular circumstances present in the diving industry warrant different treatment of this issue at least at the proposal stage. In the first place, the intrinsically hazardous nature of the work environment in diving is such that the exposed employees are uniquely subjected to a continuum of life-threatening situations. Physical incapacity and debilitation, including those of a degenerative and chronic nature, require periodic medical monitoring in light of such contant high-risk exposure. Moreover, diving by an employee with physical incapacity for such activity presents hazards not only to that employee, but to other employees as well. In many cases, divers work in teams, with each member relying heavily on the job performance of the other. The proposed standard itself requires, in many circumstances, the presence of standby divers capable of effectuating rescue or rendering other relief or assistance. In these situations the incapacity of one diver would present a serious hazard to his fellow employee diver. Therefore, OSHA specifically invites comment on any issue raised by this provision, including pertinent medical information relating to the listed disqualifying conditions, the required medical examinations, and possible alternatives to employee withdrawal.

The proposal also includes a provision for review of any determination made by the employer pursuant to this section which would result in withdrawal of an employee from further exposure or would place permanent limitations on the employee's activities. The review procedure would be initiated upon request of an affected employee and would require the employer to reconsider determination based on a report from a second examining physician, selected by the employee, and if the two determinations differed, to make his final determination based upon the written report from a third examining physician whose selection had been agreed upon by the first two physicians. OSHA invites comment on this or other procedures for review of determinations of employee qualifications based upon medical examinations made pursuant to this section.

The employee should select examining, consulting, and on-call physicians referred to in the proposal who possess broad knowledge of diving physiology, hyperbaric medicine, and treatment of diving-related injuries and illnesses. Training courses in hyperbaric medicine are available. One such curriculum, approved by the Undersea Medical Society, has been given to licensed physicians at the University of Southern California. Other opportunities for continuing education in diving medicine are being planned.

5. *Safe practices manual* (*§ 1910.420*). The requirements for developing and maintaining a safe practices manual remain essentially the same as those which appeared in the ETS. Basically, they require that an employer describe in writing the methods and procedures necessary for performing the various types of diving operations in a safe and healthful manner.

6. *General operations procedures* (*§ 1910.421*). A safe practices manual must be developed and include, among other things, the applicable general and specific operations procedures contained in the standard. A review of some of the major requirements for general operations procedures follows.

The first-aid requirement of the ETS has been modified to include a simple oral (oropharyngeal) airway suitable for mouth-to-mouth resuscitation in the first-aid supplies. The Advisory Committee agreed to the addition of an oral airway, but recommended that the requirement for a resuscitator be deleted on the grounds that there is a danger of overpressurization which could be fatal to a diver with an air embolism. Recognition of this danger prompted OSHA to limit the requirement to manually operated rather than automatic resuscitators. Manual resuscitators are designed to preclude overpressurization, and the widely recognized life-saving value of such equipment has convinced OSHA of its great importance to diving first-aid. A further requirement that the mask and connecting tubes of the resuscitator be translucent has been added. This reduces the potential for damage to the diver's lungs by allowing the operator to see whether or not the air passages are clear of any congestion such as vomitus.

At the recommendation of the Advisory Committee, the first-aid training provision has been strengthened to require that at least one employee at each worksite have a current certificate in advanced first-aid. In addition, the proposal requires a diving paramedic at the work site for any diving operation which is one-hour or more travel time from a medical treatment facility, or for an operation involving mixed-gas diving with bottom depths deeper than 400 FSW where decompression tables are not in compliance with the standard's performance criteria (during the phase-in period of one year from the effective date of the standard). Paramedics are required for those diving operations where de-

compression sickness is most likely to occur, or in situations where adequate medical care is particularly unavailable. The proposal's diving paramedic requirement can be satisfied by an employee trained as an Emergency Medical Technician/Diving (EMT/D), a military medic with additional experience in diving medicine, or a diver who has completed the American Red Cross advanced first-aid course and has had additional training in cardiopulmonary resuscitation. Currently, several Undersea Medical Society-approved courses for EMT/D training are available.

The ETS required that those engaged in activities which may pose a hazard to diving operations be notified of the planned diving operation. This requirement has been retained in the proposed permanent standard. Examples of such activities are underwater blasting, movement of surface vessels, and movement of material directly over the work site.

A new category of underwater hazard has been added to the proposal. The employer must take all necessary steps to have mechanical apparatus capable of creating strong water currents, high intensity sonar, and active cathodic protection inactivated, and have the controls for such devices tagged prior to the diving operation.

The temporary impairment of condition section which appeared in the ETS requires consultation with the affected employee before any action is taken. It has been expanded to include pregnancy as an example of a condition which may warrant temporary abstention from diving. Medical opinion indicates that vascular changes associated with pregnancy may increase the susceptibility of the pregnant diver to decompression sickness. OSHA invites comments on this subject.

The pre-dive instruction requirement of the ETS has been modified to include the requirement that a written diving plan be made available to affected employees at the work site whenever the planned operation deviates substantially from procedures in the safe practices manual if the necessary details are known sufficiently in advance to make such documentation practicable. OSHA believes that this requirement is important because effective advance planning and employer-employee communication is vital to a safe diving operation.

The pressure vessel for human occupancy (PVHO) requirement specifies that the decompression chamber be on site for dives outside the no-decompression time-depth limits. In addition, it must be dual-lock and multiplace to allow supplies and personnel into and out of the chamber. The Advisory Committee recommended that a chamber be on site for all dives deeper than 66 FSW. The ETS had required an on-site decompression chamber for any diving operation involving 30 minutes or more decompression time. However, the proposal requires that a decompression chamber be immediately available for all dives outside the no-decompression time-depth limits because the probability of decompression sickness increases with time and depth.

The PVHO requirement reflects the recommendation of the Advisory Committee that decompression chambers have a minimum capability of 6 ATA (165 FSW). Most decompression chambers in existence are constructed with this capability, which is adequate for the treatment of most types of decompression sickness. For bell and deep diving systems, either a decompression chamber with a pressure capability equivalent to the depth of the dive must be available, or the bell or deep diving system itself must be capable of carrying out any applicable mixed-gas or saturation decompression treatment procedure. This will allow recompression to depths deeper than 165 FSW if the type of decompression sickness incurred requires such recompression and treatment.

Regardless of the type of diving operation, employers must maintain up-to-date information as to the location of a nearby decompression chamber when one is not otherwise required on site. Knowledge of the location of other medical facilities as well as a list of sources of emergency aid are also required by the proposal. In the event of a medical emergency, this information would enable a disabled diver or other member of the support crew to be transported promptly to an appropriate treatment facility.

Post-dive precautions governing the diver's activities following dives outside the no-decompression time-depth limits are included in the proposal. These did not appear in the ETS. They require the employer to take all reasonable steps to have his employees remain on site and awake for at least one hour, and within two hours' travel time of the chamber for an additional five hours, following such dives. Moreover, diving operations conducted at altitudes significantly above sea level are required to use decompression procedures which take the reduced surface pressure into account. Employers are also required to instruct employees engaged as divers against flying within 12 hours after a dive outside the no-decompression time-depth limits or within 24 hours after a saturation dive, except in an emergency. Each of these requirements addresses situations known to increase the probability of occurrence or recurrence of decompression sickness.

Because overheating may be a danger in certain climates, the requirement in the ETS that the standby diver be suited at all times has been eliminated, as recommended by the Advisory Committee. However, the standby diver must still be available to reach the diver as quickly as possible. This allows the standby diver to be suited to the degree that will enable him to meet this requirement and avoid the possibility of overheating.

In consonance with U.S. Coast Guard policy, the warning display provision has been simplified to require only the display of the international code flag "A" near all dive work sites. This provision brings the standard into conformity with recent Congressional ratification of the Convention on International Regulations for Preventing Collisions at Sea 1972, Rule 27. The international treaty will become effective on July 15, 1977. Other warning displays such as the American dive flag may still be flown, but not in lieu of the international code flag "A."

The general requirement for positioning or mooring vessels is intended to provide a safe working platform. The actual method by which vessels are positioned or moored is dependent upon the design of the vessel and operating procedures and is therefore not addressed in the proposal.

The proposal also includes a requirement for the recording of accurate time-depth profiles for all dives. This is essential to determine which decompression schedule is to be followed, and may also affect the choice of a recompression regimen.

In addition, the requirement for the employer's record of dives now states that an automatic recording of the time-pressure profile which can be monitored at the surface is required for all air dives deeper than 190 FSW and for all mixed-gas dives. The Advisory Committee recommended that this requirement be limited to mixed-gas diving in the saturation and bell-diving modes. However, the proposal does not follow the Committee's recommendation because the need for automatic recorders derives from the increased hazards asssociated with the use of mixed gas and of air diving below 190 FSW, and does not relate specifically to the use of a bell or the technique of saturation. The maintenance of accurate time-depth profiles is essential to determine a diver's decompression obligation. An automatic record provides a continuous check on decompression tables and virtually eliminates timing errors, making the decompression assessment required in the proposal more accurate and easier to perform. Recording the data simultaneously with the dives adds considerably to diving safety by eliminating human error. While not eliminating the need for crew attention, it nonetheless frees surface support personnel for more important jobs in an emergency. Automatic recording helps to avert accidents by enabling surface personnel to locate an injured diver and quickly dispatch a standby diver. Knowing that a reliable record is being made, crew members will make a greater effort to follow procedures precisely and will be discouraged for departing from planned and established dive procedures. Automatic recording also makes it easier to determine the immediate cause of mishaps and miscalculations, and to take proper corrective action when these occur. The automatic recording requirement is designed to establish an accurate, contemporaneous, and documented record of critical data for deep air or mixed-gas dives which are inherently hazardous.

7. *Diver's log* (*§ 1910.422*). A requirement that each diver be required by his employer to keep a diver's log was not included in the ETS, but was presented to the Advisory Committee for considera-

tion. The Advisory Committee recommended that the diver's log be included in the standard as a recommended practice rather than a requirement. The Committee's opinion was basically that the provision would be difficult and unfair to enforce against the employer. While the proposal would require maintenance of a diver's log, no documentation of a diver's work history prior to the effective date of the standard is required. The diver's log will contribute significantly to future diving safety by providing uniform and reliable documentation of the diver's training, education, diving experience, medical status, and diving-related injuries and accidents. This information will help the employer determine which divers are qualified to perform different work assignments safely, and whether the diver is susceptible to decompression sickness in certain situations.

8. *Specific operations procedures (§ 1910.423)*. In addition to the general operations procedures, the proposed standard requires certain procedures which are specific to different types of diving. These procedures concern self-contained diving, surface-supplied diving, air diving, mixed-gas diving, bell diving, and live-boating.

For self-contained (SCUBA) diving, the requirement of an appropriate weight belt and a cylinder harness has been added to the proposal. A personal flotation device is required to be worn for SCUBA diving except for diving in the saturation mode or in enclosed spaces. Compressed air cylinders for SCUBA diving must be inspected annually both internally and externally for rust or pits, as well as hydrostatically tested every 5 years. In addition, the weight belt and a body harness have been added as requirements for surface-supplied diving.

The bottom time limit for air diving between 190 and 220 FSW has been extended from 10 to 30 minutes, as recommended by the Advisory Committee. This is based on testimony before the Advisory Committee that diving has been conducted safely at these depths for up to 30 minutes. On the basis of this information, the 10-minute limit stated in the ETS has been modified to allow for the performance of underwater tasks which have been conducted safety at this time/depth limit. Moreover, medical testimony presented to the Advisory Committee indicated that the effects of nitrogen narcosis, the greatest potential hazard of air diving at these depths, are not cumulative, and the hazard does not therefore increase significantly if bottom times are extended from 10 to 30 minutes.

A provision has been added to the mixed-gas diving requirement to indicate that air may be used as an emergency reserve in the event of failure of the reserve mixed-gas breathing supply.

The depth limits for bell diving remain the same as those set forth in the ETS. An open or closed bell shall be provided and used for all dives of 220 FSW or deeper and for all dives which require more than 120 minutes of decompression time, but a closed bell must be provided and used for all dives of 300 FSW or deeper. However, this requirement has been refined to reflect the Advisory Committee's recommendation that an explicit exception be made for diving inside confined structures where bells cannot fit. The principal purpose of the bell requirement is to provide a sheltered haven or working environment for divers whose work requires exposure to significant depths or lengthy decompressions. Use of a bell also facilitates medical treatment and, by allowing several divers to share work assignments, reduces fatigue and promotes safety. The advantages of a closed bell are that it eliminates inwater decompression time and provides maximum protection from the underwater environment.

This proposal addresses deep diving bells and systems specifically with regard to regulation of pressure and depth, reserve breathing gas supply, minimum number of divers and standby divers, and the need for an evacuation plan. Design and engineering requirements have generally not been included at this time. The technological response to the demand for new systems capable of operating at increased depths has produced many design variations of deep diving systems. These include mobile units for inwater personnel transport and submarine propulsion units for remote operations. Prime considerations for these systems are life-support systems and reserves, structural integrity, and emergency evacuation recue capability. Interested parties are requested to comment on the safety and health aspects of this area of technology for possible inclusion in the final standard.

The requirements in the proposal concerning live-boating have been made more stringent than those appearing in the ETS. The proposal requires that a propeller protective device or equally safe alternative means be used to prevent hose entanglement, and that a reserve breathing gas supply be carried by the diver. In addition, the proposal prohibits live-boating at night, in rough seas, and at depths below 220 FSW or involving decompression times greater than 120 minutes. These add to the risks associated with this intrinsically hazardous technique. The 220 FSW and 120 minute decompression time limits are consistent with the proposal's depth and time requirements for bell diving.

While the proposal applies to commerical diving and related operations generally, there are no specific requirements relating to closed-circuit and semi-closed-circuit breathing systems or to one-atmosphere units. OSHA recognizes that such systems may pose hazards which are not addressed by the proposed standard. Therefore, OSHA invites interested parties to submit comments with respect to the usage and associated hazards of such systems in commercial diving.

9. *Maximum allowable oxygen and nitrogen limits (§ 1910.424)*. To reduce the likelihood of oxygen or nitrogen poisoning or lung irritation, the proposal sets maximum allowable limits for oxygen and nitrogen. Table II in the proposal sets a limit on th maximum oxygen partial pressures allowed for various exposure times. The limits of Table II are based upon those specified and used by the U.S. Navy. Adoption of this table is in accordance with the Advisory Committee's recommendations. These oxygen partial pressures have been used widely since the 1940's and 1950's. However, there is increasing evidence both from the laboratory and the field that these levels of oxygen for working divers may result in greater uptake of helium or other inert gases at greater depths, and thus may increase the likelihood of decompression sickness. Tables using higher partial pressures have had satisfactory results in deep diving operations. OSHA invites testimony and evidence on this subject.

The maximum limit for the partial pressure of nitrogen has been set to conform to the nitrogen partial pressure of air at 220 FSW, which is proposed as the maximum depth for air diving. Adherence to this limit will minimize the risk of sereve nitrogen narcosis.

10. *Decompression table assessment (§ 1910.425)*. The section on decompression table assessment is derived from the approach initially developed by NIOSH, and refined by OSHA based on information received from experts in the field. In establishing this program, OSHA has taken the current state of the art into consideration and recognized the fact that decompression table development is an empirical science. At the same time, it has attempted to avoid building an acceptable rate of decompression sickness into the standard, while encouraging improvement in present tables as well as the development of new and safer decompression tables.

In addition to requiring the use of decompression tables based on tested and accepted physiological criteria, it includes a comprehensive phasing program which provides for continual assessment by the employer of the performance of his decompression tables. The assessment procedure requires documentation of the number of decompression sickness incidents incurred in the field. Documentation must be based on categories specified in the proposal (air diving, mixed gas diving to 400 FSW, saturation diving, and mixed gas diving deeper than 400 FSW). To enable an employer to determine when decompression tables require corrective action, a chart which has been designated as Performance Criteria A has been included. When the number of incidents in any assessment category exceeds the maximum indicated by Performance Criteria A for a specified number of dives, the affected schedules or table must be investigated, modified, or its use discontinued. If a table or schedule has failed to meet the performance criteria for three out of five assessment periods, the proposal requires the involved schedules or table to be returned to the laboratory for modification and retesting until 12 consecutive man-dives under simulated working conditions have been achieved without decompression

sickness. A minimum of six subjects is required for such testing to take individual susceptibility to decompression sickness into account. This laboratory procedure must also be followed when new decompression tables are being introduced prior to initial field use.

Because mixed-gas tables for bottom depths deeper than 400 FSW cannot at present meet the stringent criteria established in Performance Criteria A, the standard proposes a phase-in which requires tables for this type of dive to meet the criteria of Performance Criteria A within one year from the effective date of the standard. Such a phasing program allows time for the necessary research to develop satisfactory tables for mixed-gas diving in this depth range. In the interim, to afford maximum protection, a diving paramedic must be on site when such tables which do not yet meet the standard's performance criteria are used. In addition, as with all dive categories, the number and type of decompression sickness incidents incurred with such tables must be recorded. However, if any residual audio-vestibular or neurological incident is incurred during the phase-in period, the proposal requires the employer to take appropriate corrective action, including discontinuing the use of the involved table or schedule.

Three years from the effective date of the standard, Performance Criteria A will be superseded by Performance Criteria B, which establishes more stringent performance criteria against which all decompression tables regardless of mode will have to be assessed. Diving physiologists familiar with the development and testing of such tables have indicated to OSHA that this two-step phasing program is within the limits of technological feasibility.

Alternatives to the proposed two-step phasing program will be considered by OSHA during the rulemaking proceedings, and are appropriate subjects for public comment and evidence.

11. *Electrical hand tools, welding and burning, and explosives (§§ 1910.426.-428).* Additional requirements have been included in the proposal to increase the safety of certain potentially hazardous work operations that a diver is often called upon to perform. To reduce potential shock hazards and accidental operation of tools, all hand-held electrical tools, including those inside bells and saturation habitats, must be de-energized at the surface when being placed into or retrieved from the water. All hand-held power tools, whether electric, hydraulic, or pneumatic, must be provided with a constant pressure switch or control to turn off instantly when released by the diver. Welding machine frames must be securely grounded. Proper protection and insulation are required, both for the electrical circuit and the diver's personal equipment. Closed compartments, structures, or pipelines subject to the heat of welding or burning must be purged with inert gas, flooded, or vented at the outset of a welding or burning operation, except during hot tapping operations, where these procedures are not appropriate. Requirements for special precautions have been added with respect to the use of explosives in diving operations. Employers engaged in the transport, storage, or use of explosives must comply with the requirements of §§ 1910.109 and 1926.912, as appropriate. In addition, magazine boxes must be used to store and transport single component explosives; blasting caps must not be stored with explosives; and divers must be out of the water before any electrical circuits are tested and before explosives are detonated.

12. *Fire, emergency and evacuation procedures (§ 1910.429).* The fire, emergency and evacuation procedures section has been enlarged to include provisions for developing fire fighting and emergency plans to cover the actual dive operations and their immediate work areas. Specifically, this modification is necessary because the general fire-fighting and evacuation plans for the ship, vessel or other work site do not usually include the equipment or personnel utilized in diving operations.

13. *Diving equipment and systems (§§ 1910.430.438).* The sections concerning diving equipment and systems are substantially the same as those which appeared in the ETS. The standard establishes certain basic hardware requirements which are deemed essential to diver safety and health. It also provides for the periodic testing of certain equipment and the recording of the results of such testing in an equipment log. These requirements are designed to assure that the equipment is maintained in proper working order throughout the diving operation.

Specifically, the equipment and systems covered are helmets and masks; dry suits; gas supply hoses; air compressors and systems for respirable air; pressure vessels for human occupancy (PVHO's); air receivers; depth gauges; and compressed gas equipment (except SCUBA cylinders).

A requirement has been included in the proposal concerning any modification made to the design and/or operation of any equipment, device, or system that changes its operational characteristics with respect to the breathing gas flow. Any such modification is to be noted in the equipment log. This emphasizes the need to exercise caution in making modifications which might adversely affect the quantity or quality of the breathing mixture supplied to the diver.

Another significant change from the ETS, which would bring the standard into conformity with industry practice, is the reduction of the testing requirement for gas supply hoses and fittings to 1.5 times their maximum working pressure. The maximum allowable working pressure is defined as no less than the maximum depth of the dive (converted to pounds per square inch (psi)) plus 100 psi.

The air purity requirement has also been changed. The permissible carbon monoxide level has been reduced to 15 parts per million by volume, and the carbon dioxide level to 500 parts per million by volume. In addition, a hydrocarbon level of no greater than 5 milligrams per cubic meter has been established. This high degree of air purity is required because it is crucial that a diver's breathing mixture be free of contamination. For the same reason, a provision has been added which requires the compressor output to be analyzed once every 1,000 operating hours or once every six months, whichever occurs first, to verify that the air purity requirements are being met. A record of these readings must be kept in the equipment log.

14. *Recording and reporting (§§ 1910.-440–441).* The recording and reporting sections are similar to those contained in the ETS with the exception of certain provisions dealing with time requirements for record retention. The documentation of diving operations in safe practices manuals, diving plans, manual and automatic dive records, decompression table assessments and verifications, PVHO oxygen concentration monitoring records, and equipment logs, is required to be retained by the employer for a period of three years. However, the medical records must be retained for a period of five years, because it is important to be able to trace an employee's medical history over a longer period. There is medical evidence that dysbaric osteonecrosis may develop as long as five years or more after the causal incident. The Advisory Committee recommended that no reporting requirements beyond those specified in 29 CFR Part 1904 be included in the diving proposal. However, the unique nature of the hazards to which a diver is exposed makes it essential that severe cases of decompression sickness having residual effects as well as those diving-related accidents and injuries sufficiently serious to require 5 days' medical care or 72 hours in a hospital be recorded and reported in addition to those required by 29 CFR Part 1904.

VI. Economic Impact

OSHA has determined that pursuant to section 6(b) of the Act the economic feasibility and potential inflationary impact of the proposed commercial diving standard should be considered in this rulemaking proceeding. Accordingly, notice is being given that OSHA has prepared an economic and inflation impact analysis for the proposed standard. The economic and inflationary impacts were evaluated pursuant to section 6(b) of the Act and in accordance with the Secretary of Labor's Order 15–75 (40 FR 54484, November 24, 1975) and the Office of Management and Budget Circular A-107 (January 28, 1975), issued pursuant to Executive Order 11821 (39 FR 41501, November 27, 1974). Information, data, and comments concerning economic feasibility and inflationary impact are invited for presentation at the hearing. With respect to the potential inflationary impact attention is directed to the following issues set out in the Secretary's Order:

(1) Cost impact on consumers, businesses, markets, or Federal, State or local government;

(2) Effect on 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 the proposed standard.

The inflationary impact analysis required by Executive Order 11821 has been prepared pursuant to section 5(b)(8) of Secretary's Order 15–75, prior to the promulgation of the final standard. Such analysis is available for inspection and copying at the Technical Data Center, New Department of Labor Building, Room N–3620, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (Tel.: 202–523–8076).

VII. Environmental Impact Assessment

As indicated when the ETS was published (41 FR 24284), it has been determined pursuant to 29 CFR 1999.3 that the proposed standard for commercial diving will not significantly affect the quality of the human environment, nor is the environmental impact of this proposal likely to be highly controversial. Therefore, the Assistant Secretary has determined that an environmental impact statement is not required.

VIII. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to all issues raised by this proposal. Such comments must be postmarked on or before December 6. All written comments must be submitted in quadruplicate to the Docket Officer, Docket No. at the Technical Data Center, New Department of Labor Building, Room N3620, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (Tel: 202–523–8076). Written submissions must clearly identify the portions of the proposal or the issues addressed and the position taken with respect to each.

An opportunity to submit oral testimony concerning all the issues raised in the proposal, including economic and potential inflationary impact, is being provided at an informal public hearing, under section 6(b)(3) of the Act scheduled to begin at 9:30 a.m. on December 13, 1976, in New Orleans, Louisiana, at Braniff Place Hotel, Terrace Suites 3, 4, 5, 1500 Canal St., New Orleans 70130.

Persons desiring to appear at the hearing must submit a notice of intention to appear postmarked on or before December 6 to the OSHA Committee Management Office, Docket No. 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 intention to appear, which will be available for inspection and copying in the Office of Committee Management, must contain the following information:

(1) The name and address of the person who will appear;
(2) The capacity in which the person will appear;
(3) The approximate amount of time required for the presentation;
(4) The specific provisions of other issues raised by the proposal that will be addressed;
(5) A detailed statement of the position that will be taken; and
(6) A detailed statement of the evidence which will be presented at the hearing.

All submissions received, including data, views, arguments and notices of intent to appear, will be made a part of the record of this proceeding. 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 warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and be notified of this fact.

The hearing will commence at 9:30 a.m. on December 16, 1976 with the resolution of any other procedural matters relating to the proceeding. The hearing will be conducted and the decisions made in accordance with 29 CFR Part 1911.

The oral proceedings will be reported verbatim and a transcript will be made available for inspection and copying by interested persons. Prepared statements and documents that are intended to be submitted for the record at the hearing shall be submitted in quadruplicate at least 48 hours before the beginning of the hearing.

An Administrative Law Judge will be designated to preside at the hearing and shall have all the powers necessary or appropriate to conduct a fair and full 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 proposal and related issues;
(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. The proposal will be reviewed in light of all oral and written submissions received as part of the record in the entire rulemaking proceeding and appropriate action will be taken.

Accordingly, pursuant to the authority cited above, it is proposed to amend Chapter XVII of Title 29, Code of Federal Regulations, to add a new permanent occupational safety and health standards for commercial diving operations, as set forth below.

It is hereby certified that the economic and inflationary impacts of this proposed regulation has been carefully evaluated in accordance with OMB Circular A–107.

Signed at Washington, D.C. this ____ day of November 1976.

Morton Corn,
Assistant Secretary of Labor.

1. In Part 1910 of 29 CFR, Subpart T would be revised to read as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart T—Commercial Diving Operations

General

Sec.
1910.401 Scope and application.
1910.402 Definitions.

Personnel Requirements

1910.410 Personnel qualifications.
1910.411 Medical requirements.

Operations Procedures

1910.420 Safe practices manual.
1910.421 General operations procedures.
1910.422 Diver's log.
1910.423 Specific operations procedures.
1910.424 Maximum allowable oxygen and nitrogen limits.
1910.425 Decompression table assessment.
1910.426 Hand-hold power tools.
1910.427 Welding and burning.
1910.428 Explosives.
1910.429 Fire, emergency and evacuation procedures.

Diving Equipment and Systems

1910.430 Equipment.
1910.431 Helmets and masks.
1910.432 Dry suits (variable volume).
1910.433 Breathing gas hoses.
1910.434 Air compressors and systems for respirable air.
1910.435 Pressure vessels for human occupancy (PVHO).
1910.436 Depth gauges.
1910.437 Compressed gas equipment.
1910.438 Equipment log.

Recordkeeping Requirements

1910.440 Recording and reporting.
1910.441 Availability of records.

Authority: Sec. 6, 8, 84 Stat. 1593, 1596, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911; sec. 41, 44 Stat. 1444 (33 U.S.C. 941); sec. 107, 83 Stat. 96 (40 U.S.C. 333).

Appendix A—Recommended British Medical Research Council Decompression Sickness Registry Techniques, Skeletal Radiological Investigation For Divers

Subpart T—Commercial Diving Operations

General

§ 1910.401 Scope and application.

(a) This subpart applies to every place of employment within the inland and territorial waters of the United States, or within any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, The Trust Territory of The Pacific Islands, Wake Island, Johnston Island, the Canal Zone, or within the Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U.S.C. 1331), where diving and related operations are

carried out, except that this subpart will not apply to working conditions with respect to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(b) This subpart applies to diving and related operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking, and longshoring; except this subpart shall not apply to any diving operation:

(1) Performed solely for instructional or educational/scientific purposes; and

(2) Utilizing open-circuit, compressed-air SCUBA; and

(3) Conducted within the time-depth limits of no-decompression diving.

(c) This subpart requires employers engaged in diving operations to:

(1) Require that all employees engaged in diving operations are qualified to perform their work assignments in a safe and healthful manner as provided in §§ 1910.410 and 1910.411;

(2) Develop, maintain and comply with a safe practices manual as provided in § 1910.420;

(3) Follow safe and healthful operations procedures as provided in §§ 1910.-421 to 1910.429;

(4) Provide appropriate diving equipment and systems as required in §§ 1910.-430 to 1910.438; and

(5) Record and report job-related fatalities and serious illnesses, injuries and accidents, and make all required records available to the Assistant Secretary for Occupational Safety and Health in accordance with §§ 1910.440 and 1910.441.

§ 1910.402 Definitions.

As used in this subpart, the listed terms are defined as follows:

"ATA": Atmosphere absolute, a unit of pressure equivalent to 760 millimeters of mercury (mmHg).

"Ascent time": The time interval between leaving the deepest point of the dive and returning to the surface (1 ATA).

"Bell diving": a diving mode which uses a diving bell.

"Blowout": uncontrolled loss of gas or liquid from a subsea wellhead.

"Bottom time": The time interval between leaving the surface (1 ATA) and the beginning of ascent from the deepest point of the dive.

"Breathing mixture": air or a mixture of gases breathed by a diver which contains a physiologically appropriate proportion of oxygen.

"Bursting pressure": the pressure exerted by a medium such as a breathing mixture at which the containment vessel would fail structurally.

"Decompression": the reduction of environmental or ambient pressure to atmospheric pressure.

"Decompression chamber": a PVHO (Pressure Vessel for Human Occupancy) used to decompress divers by reducing pressure under controlled conditions; also used to treat decompression sickness by recompression.

"Decompression schedule": a time-depth profile with a specified bottom time and depth, whose application is calculated to reduce the pressure on a diver safely.

"Decompression sickness": A condition with a variety of symptoms which may result from the formation of gas or gas bubbles in the blood or other tissues of divers during or subsequent to ascent or other pressure reduction. Residual audiovestibular or neurological symptoms involve permanent damage to the hearing or balance system, or to the peripheral or central nervous system, respectively. Serious symptoms involve the sensory or neurological systems significantly, and include numbness, paralysis, visual and hearing disturbances, chokes, shock, and unconsciousness. Pain-only symptoms are limited to localized joint and muscle pain, minor muscle weakness and skin itching, tingling, or redness. Pain-only symptoms which recur during or after recompression therapy are classified as serious symptoms.

"Decompression table": a set of decompression schedules computed on common parameters.

"Diver": an employee engaged in work using underwater apparatus which supplies compressed breathing gas at ambient pressure from a self-contained or remote source.

"Diving bell": an open-bottom or closed device which allows the diver to be transported to and from the underwater work site in an enclosed compartment partially dry (open-bottom bell) or totally dry (closed bell).

"Dry suit (variable volume)": a diving suit capable of being inflated for buoyancy or insulation which keeps the diver's body essentially dry.

"Exhaust line guard": A device to prevent injury from contact with the exhaust line opening inside a PVHO when gas is being vented from the PVHO.

"Exhaust valve": a valve controlling the venting of gas from a PVHO, diver's helmet, suit, or buoyancy-changing equipment.

"FSW": a foot of seawater; a unit of pressure generally defined as $\frac{1}{33}$ of a standard atmosphere, which represents the pressure exerted by a foot of seawater having a specific gravity of 1.027, equal to approximately .445 pounds per square inch.

"Heavy gear diving": diving which uses standard deep sea dress, including helmet and brass breastplate, suit of rubberized canvas, and heavy weighted shoes.

"Hard piping": rigid permanent or semi-permanent piping, as distinguished from temporary, flexible hoses.

"Helmet (open-circuit and/or surface-supplied)": breathing and protective equipment which encloses the diver's head.

"Hot tapping": the use of hot or cold methods to penetrate a structure such as a pipeline or other structure which is in operation and contains a combustible substance.

"Hyperbaric conditions": pressure conditions in excess of surface pressure (1 ATA).

"Life-support hose bundle (umbilical)": a composite hose/cable or separate cables extending from the surface to the diver or PVHO which supplies breathing gas, power, heat, or communication, as necessary.

"Life-support equipment": equipment designed to provide the diver with an appropriate respirable atmosphere and other protection as required.

"Live-boating": the practice of supporting a diver from a vessel which is underway.

"Mask (open-circuit and/or surface-supplied)": breathing and protective equipment which covers a diver's face.

"Mixed-gas diving": a diving technique in which the diver is supplied with a gas mixture other than air.

"No-decompression diving": diving which involves depths and times shallow and short enough so that controlled ascent can be made without stops or stages, e.g., dives within the time-depth limits of the no-decompression table in the U.S. Navy Diving Manual.

"Non-return valve": a one-way check valve installed at the hose-helmet attachment point or elsewhere in the system, which is designed to prevent suction or loss of the diver's breathing mixture should the hose be severed or the gas supply be interrupted.

"Oxygen cleaning": special cleaning precautions taken to prevent oxygen under pressure from igniting flammables on contact.

"Oxygen compatibility": the ability of a substance to come into contact with high-pressure oxygen without ignition.

"Partial pressure": that portion of the total gas pressure exerted by a particular constituent of the breathing mixture.

"Pneumofathometer": a depth measuring device indicating depth in FSW, consisting of an open-ended hose fixed to the diver, with the other end connected to an air supply and pressure gauge at the surface.

"Pressure": force per unit of area. In diving, pressure denotes an exposure greater than surface pressure (1 ATA).

"PVHO": Pressure Vessel for Human Occupancy. A pressure vessel designed to contain a human being.

"Receiver": a pressure vessel (other than a SCUBA cylinder) for the storage of gases.

"Recompression": an increase in pressure which is calculated to eliminate the symptoms of decompression sickness when applied to a diver in a PVHO as therapy.

"Saturation diving": a diving mode in which the diver's body is saturated with inert gas so that additional time spent at pressure does not result in additional uptake of gas nor require an increase in decompression time.

"Saturation habitat": a fixed or movable system of single or multiple PVHO's in which a diver lives under saturation and from which he may make working excursions.

"SCUBA": self-contained underwater breathing apparatus.

"Self-contained diving": a diving mode which allows the diver to carry his own breathing gas supply and be inde-

pendent of the surface with regard to breathing gas.

"Standby diver": a diver available to go to the aid of another diver in the water or assist in the retrieval of a PVHO.

"Surface-supplied diving": a diving mode in which the diver receives breathing gas from the surface.

"Treatment table": a time profile of pressure and breathing gas whose application is calculated to eliminate the symptoms of decompression sickness.

"Work site": a vessel or surface structure from which dives are supported and/or the underwater location where work is performed.

"Working pressure": the normal operating pressure exerted by a medium such as a breathing mixture. The ratio of bursting to working pressure is the factor of safety.

PERSONNEL REQUIREMENTS

§ 1910.410 Personnel qualifications.

(a) *General.* Each employer engaged in diving operations shall require that all employees engaged as divers or in surface support operations meet the medical requirements and possess the necessary experience and proficiency to perform their work assignments in a safe and healthful manner in accordance with the provisions of this subpart.

(b) *Required experience and proficiency.* Employers shall require that employees assigned to specific diving activities shall possess the following:

(1) Knowledge and skills gained through training or experience in the following:

(i) Diving procedures and techniques,

(ii) Emergency procedures,

(iii) Physiology as it relates to diving, and

(iv) Diving equipment;

(2) Familiarity with procedures and proficiency in the use of tools, equipment and devices relevant to the assigned tasks;

(3) For employees engaged as divers ditions, physical qualifications for such or otherwise exposed to hyperbaric conactivities, determined in accordance with the requirements of § 1910.411;

(4) For employees engaged as diving paramedics, who have been trained as Emergency Medical Technicians/Diving (EMT/D), Navy Hospitalmen or equivalent, knowledge of diving medicine and treatment to the degree that will enable such persons to handle medical and diving emergencies under the direction of an on-call physician; and

(5) For employees who operate decompression chambers, knowledge of chamber operations, the use of treatment tables and post-treatment procedures.

(c) *Employee training.* Where an employee does not possess the skills and training in diving procedures or techniques or in the safe use of tools, equipment, or devices, the employer shall assign another employee who possesses the necessary skills and training, except that the employer may assign limited tasks to employees undergoing training provided such tasks are performed under the direction of experienced and qualified employees.

(d) *Designated person-in-charge.* (1) The employer or a qualified employee designated by the employer shall be in charge of each diving operation.

(2) The responsibilities of such designated person shall include job coordination and planning, pre-dive instructions, fire, emergency, and evacuation procedures, tool and equipment inspections, supervision of decompression treatment, maintenance of the employer's record of dives, and otherwise confirming that work practices, procedures, and equipment conform to the requirements of this subpart.

(3) The employer shall require that any person designated in accordance with paragraph (d)(1) of this section has had previous qualifying experience as a commercial or military diver.

§ 1910.411 Medical requirements.

(a) *General.* Every employer shall provide or make available at no cost to employees engaged as divers or otherwise subjected to hyperbaric conditions, the services of a licensed physician to perform the following medical examinations:

(1) An initial medical examination;

(2) Annual reexaminations; and

(3) A reexamination after a diving-related injury or illness.

(b) *Information provided to the examining physician.* The employer shall provide the following information to the examining physician:

(1) A copy of this subpart;

(2) A summary of the duties to which the employee may be assigned; and

(3) Information from previous reports of physicians concerning the affected employee, upon request of the examining physician.

(c) *Physical examination.* (1) The employer shall provide employees engaged as divers or otherwise subjected to hyperbaric conditions with an initial medical examination, except as described in paragraph (c)(2) of this section, and annual medical reexaminations, which shall include the following:

(i) Work history;

(ii) The tests required in Table I, as appropriate;

(iii) Any tests deemed necessary to establish the presence or absence of any of the disqualifying conditions listed in paragraph (f) of this section; and

(iv) Any additional tests the physician deems necessary to prepare the written report required by paragraph (e) of this section.

(2) Within 30 days from the effective date of this subpart, the employer shall provide employees engaged as divers or subjected to hyperbaric conditions with a medical examination, except if an employee can show to the satisfaction of the employer after consultation with the examining physician, that within one year prior to the effective date of this subpart he has had a comprehensive medical examination comparable to the initial examination required by this section, and that the results of this examination did not indicate the presence of significant abnormalities affecting the organs, systems, or general health of the employee, as listed in paragraph (e)(1)(ii) of this section, or any of the conditions in paragraph (f) of this section. At the termination of one year from the date of such comparable medical examination, the employer shall provide such employee with an annual medical reexamination as required in paragraphs (a) and (c)(1) of this section.

TABLE I.—*Medical tests for diving*

Test	Initial	Annual Re-examination	Comments
History and physical	X	X	Include predisposition to unconsciousness, vomiting, cardiac arrest, impairment of oxygen transport, serious blood loss, or anything which, in the opinion of the examining physician, will interfere with effective underwater work.
Chest X-ray	X	X	PA (projection: 14 by 17 in, minimum).
Bone and joint X-ray survey	[1]	[1]	For divers engaged in dives outside the no-decompression time-depth limits, required initially and every 3 years, and as medically indicated. (British Medical Research Council Decompression Sickness Registry interpretation required; British Medical Research Council Decompression Sickness Registry techniques recommended. For techniques, see appendix A).
EKG: Standard (12 L)	X	[1]	Required initially to establish baseline, annually after age 35, and as medically indicated.
EKG: Stress			Required only as medically indicated.
Pulmonary function			Do.
Audiogram	X	X	Threshold audiogram by pure tone audiometry; bone conduction audiogram, as medically indicated.
EEG			Required only as medically indicated.
Visual acuity	X		Required initially and as medically indicated.
Color blindness	X		Required initially.
Hematocrit, hemoglobin, white blood count.	X	X	
Routine urinalysis	X	X	

[1] See comments.

(d) *Reexamination after injury or illness.* (1) The employer shall provide any employee engaged as a diver or otherwise exposed to hyperbaric conditions with a medical examination following a diving-related injury or illness which requires hospitalization of 72 hours or more, or a diving-related injury or illness requiring treatment by an attending physician for a period of at least 5 days, or known decompression sickness with audio-vestibular or central nervous system dysfunction.

(2) The employer shall not permit the employee to return to work as a diver or otherwise be subjected to hyperbaric conditions until he is physically fit to do so, based on the physician's report.

(3) The examining physician shall determine the scope of the examination in light of the nature of the injury or illness.

(e) *Physician's writen report.* (1) With respect to the initial examination, annual reexaminations and reexamination after a diving-related injury or illness, the employer shall obtain a written report from the examining physician containing the following information:

(i) A statement indicating the results of the medical examinations and tests given in accordance with this section;

(ii) The physician's opinion as to the fitness of the employee to perform his duties based on the employee's medical history and any medical deficiencies revealed by the tests required in Table I, particularly with respect to the following:

(A) Stress to the pulmonary, muscular, cardiac, and skeletal systems,

(B) Interference with effective external communication of the gas-containing organs of the body,

(C) Condition of the central and peripheral nervous system, and

(D) Any other factor which indicates material impairment of the employee's health;

(iii) The physician's opinion based on the employee's medical history and any medical deficiencies revealed by the tests required in Table I, or any other tests necessary, as to whether any of the conditions listed in paragraph (f) of this section exist;

(iv) Any recommended limitations upon the employee's activities as a diver or exposure to hyperbaric conditions; and

(v) A statement that the employee has been informed by the examining physician of the results of the examination and any medical conditions which require further examination or treatment.

(2) The employer shall instruct the physician not to reveal in the written report specific findings or diagnoses unrelated to occupational exposure to the underwater environment.

(3) The employer shall provide a copy of the physician's written report to the affected employee.

(f) *Disqualifying conditions.* The employer shall disqualify from diving or exposure to hyperbaric conditions any employee who is found by the examining physician to have any of the following:

(1) History of seizure disorder other than early childhood febrile convulsions;

(2) Cystic or cavitary disease of the lungs, significant obstructive or restrictive lung disease, or recurrent pneumothorax;

(3) Chronic inability to equalize sinus and middle ear pressure;

(4) Significant central or peripheral nervous system disease;

(5) Significant cardiac abnormalities;

(6) Chronic alcoholism, drug abuse, or history of psychosis;

(7) Significant hemoglobinopathies;

(8) Significant malignancies;

(9) Destruction of one vestibular end organ, recurrent Meniere's disease, or grossly impaired hearing; or

(10) Significant osteonecrosis.

(g) *Withdrawal of employee.* (1) The employer shall determine on the basis of the physician's written report whether an employee's health would be materially impaired by continued diving or exposure to hyperbaric conditions or whether there are necessary limitations on the employee's activities.

(2) If indicated by such determination, the employer shall withdraw the employee from such exposure or shall appropriately limit the employee's activity.

(3) Upon notification of withdrawal from diviing or permanent limitation of activity, any affected employee may request that a second medical opinion be obtained from a physician chosen by such employee.

(4) If the employer's determination based on the medical opinion of the second physician differs from the first, a third medical opinion shall be obtained from a physician jointly agreed upon by the first two physicians.

(5) The written report of the third physician shall be the basis for the employer's final determination.

(h) *Medical recordkeeping.* (1) The employer shall establish and maintain a accurate medical record for each employee subject to the medical requirements of this section. The record shall include:

(i) Physicians' written reports; and

(ii) A copy of the information provided to the physician as required by paragraph (b) of this section.

(2) The employer shall maintain this record for at least 5 years following the employee's last hyperbaric exposure with such employer.

(3) Upon request by the employee or former employee, the employer shall transfer a copy of the employee's medical record to a physician designated by the employee or former employee.

Operations Procedures

§ 1910.420 Safe practices manual.

(a) *General.* Each employer engaged in diving operations shall develop and maintain a safe practices manual, and shall follow the procedures set out in such manual for all diving operations.

(b) *Content.* The employer shall inclde in the safe practices manual the safety and health requirements for each tvpe of diving operation engaged in by the employer, to include the following:

(1) The assignment of qualified employees to enable the operation to be performed in a safe and healthful manner in accordance with the requirements of §§ 1910.410 and 1910.411;

(2) Operations procedures, including fire emergency and evacuation procedures, consistent with applicable provisions contained in §§ 1910.421 to 1910.429: and

(3) The use of diving equipment and systems which shall comply with the requirements of §§ 1910.430 to 1910.438.

(c) *Availability.* The employer shall make the safe practices manual readily available:

(1) At the work site;

(2) To all employees involved in diving operations; and

(3) Upon request, to the Assistant Secretary or his designee.

§ 1910.421 General operations procedures.

(a) *General.* The employer shall conduct all diving operations in compliance procedures contained in this section.

(b) *Emergency aid.* (1) The employer shall develop and maintain a list of the available sources of emergency aid, equipment, and professional assistance with their call signs or phone numbers and instructions for establishing contact with them.

(2) The employer shall make the list available at the work site, at the employer's principal place of business and at the field operations offices.

(3) The employer shall include in the list information necessary for the requisition of, or access to, the following types of emergency aid appropriate for the type of diving operations engaged in:

(i) Decompression chamber (when not otherwise required by paragraph (i) of this section);

(ii) Hospital or medical treatment facility;

(iii) Air transportation;

(iv) On-call physician; and

(v) U.S. Coast Guard Rescue Coordination Centers.

(4) The employer shall confirm that two-way communications necessary to the requisition of, or access to, the emergency aid, equipment, and professional assistance shall be available or accessible to the work site.

(c) *First aid.* (1) The employer shall provide and keep readily available at the work site first-aid supplies approved by a consulting physician and appropriate to the employer's diving operations, including a copy of the American Red Cross Advanced First-Aid Manual or equivalent. Such supplies shall include an oral airway (oropharyngeal, approximately 4'' in length) suitable for mouth-to-mouth resuscitation.

(2) The employer shall provide a manual resuscitator (bag type) consisting of manually controlled oxygen flasks, transparent mask and connecting tubing, and spare flasks for immediate use at the work site.

(3) In the absence of a physician or a diving paramedic, the employer shall provide at the worksite an employee who has a valid certificate in advanced first-aid training from the American Red Cross or equivalent training and who has training in the use of a manual resuscitator.

(4) In addition to the requirement of paragraph (c) (2) of § 1910.425, the employer shall provide a diving paramedic for any diving operation which is one hour or more travel time from a medical treatment facility.

(d) *Hazards to diving operations.* (1) The employer shall give notice of the planned diving operations, including the

daily start and finish times, to those in the vicinity whose activities may interfere with or pose a hazard to the diving operations, such as underwater demolition operations, movement of surface vessels, or lifting of material directly over the diving operations.

(2) Whenever hazardous activities in the vicinity of the diving operations or conditions such as weather or sea state may interfere with the ability of an employee to perform safety underwater or impair his health, the employer, after consultation with the affected employee, shall not allow such employee to dive for the duration of such hazardous activity or adverse condition. In no case shall the employer require an employee to dive against the employee's will.

(e) *Temporary impairment or condition.* The employer shall not permit employees to dive or be otherwise exposed to hyperbaric conditions for the duration of any known temporary impairment or condition such as a cold, alcoholic intoxication or its aftereffects, influence of drugs, pregnancy, respiratory or middle ear disease, skin or external ear infection, or excessive fatigue or emotional distress, if such impairment or condition is likely to impair the health or interfere materially with the employee's ability to perform a specific diving task or be exposed to hyperbaric conditions safely. The employer shall consult with the affected employee before making such determination. In no case shall the employer require an employee to dive or be exposed to hyperbaric conditions against the employee's will.

(f) *Inspection of tools, equipment and operational systems.* (1) The employer shall confirm that all tools, equipment, and operational systems used in diving operations are in proper working order, appropriate for the tasks, and in compliance with §§ 1910.430 to 1910.438.

(2) Tools, equipment, and operational systems used in diving operations shall be inspected at the commencement of each day's diving operations, and monitored throughout the operations by the designated person-in-charge of the diving operations.

(3) The employer shall confirm that each employee engaged as a diver in the diving operation has inspected his personal diving equipment prior to each day's diving.

(g) *Diving plan.* (1) The employer shall develop a written diving plan for each diving operation which varies from any provisions described in the safe practices manual. Where such information is not known sufficiently in advance to make written documentation practicable, such information shall be conveyed verbally.

(2) The employer shall include in the diving plan references to the provisions of the safe practices manual that apply to the specific diving operation and shall include any additional instructions which are necessary to carry out the diving operations safely.

(3) The employer shall make the diving plan available to affected employees at the work site.

(4) Prior to commencing and engaging in each diving operation the employer shall inform each employee involved of the information contained in the safe practices manual and the diving plan pertaining to the diving operation.

(h) *Means for entering and leaving the water.* The employer shall provide safe means for entering or leaving the water from the diving platform. Additionally, the means of entering and leaving the water shall be adequate to facilitate rescue of personnel.

(i) *Pressure vessel for human occupancy (PVHO).*

(1) For any dive outside the no-decompression time-depth limits, the employer shall provide a dual-lock, multiplace decompression chamber having a minimum capability of 6 ATA (equivalent to 165 FSW) ready for use at the work site, with a qualified chamber operator. The decompression chamber shall accommodate the diver(s) and a person rendering treatment.

(2) For bell or deep diving system operations, the employer shall provide a deck decompression chamber capable of recompression to the depth of the dive, or such bell or deep diving system shall be capable of carrying out any applicable mixed-gas or saturation decompression treatment procedure.

(3) The employer shall provide appropriate decompression and treatment tables at the work site.

(j) *Post-dive precautions.* After the completion of any dive outside the no-decompression time-depth limits, the employer shall:

(1) Take necessary steps to have employees engaged as divers remain awake and in the vicinity of the decompression chamber for at least one hour;

(2) Instruct such divers to remain within two hours' travel time of the decompression chamber for an additional five hours; and

(3) Instruct such divers to avoid flying, except in an emergency, within:

(i) 12 hours after decompression from a dive outside the no-decompression time-depth limits, or

(ii) 24 hours after decompression from a saturation dive.

(k) *Diving at altitude.* For any diving operation conducted at an elevation significantly above sea level, the employer shall utilize decompression procedures which take the reduced surface pressure into account.

(l) *Thermal exposure.* Additional precautions shall be taken by the employer to protect the diver from adverse thermal exposure while engaged in diving.

(m) *Standby diver.* The employer shall provide a standby diver to be available and located as specified to perform the following functions:

(1) At the surface, to aid a working diver engaged in any dive outside the no-decompression time-depth limits, except that when two divers are in the water working together and can reach each other within 3 minutes a standby diver is not required;

(2) Near the surface, to tend a bell during retrieval;

(3) At the surface, to aid a working diver engaged in a live-boating operation; and

(4) At the point of entry to tend a diver entering a tunnel, wreck, pipe, or similarly enclosed or confining underwater structure (other than a saturation habitat).

(n) *Underwater hazardous conditions.* (1) Additional precautions shall be taken by the employer and reviewed with the employee to protect such employee diving in the vicinity of underwater suction hazards such as sluices and major inflow/outflow pipes.

(2) Whenever possible, employers shall not expose employees engaged as divers to the hazards of strong water currents created by mechanical apparatus, high intensity sonar, or effects of active cathodic protection, and shall confirm that such devices are inactivated and their controls tagged prior to the commencement of the diving operation.

(o) *Warning display.* The employer shall display a rigid replica of the international code flag "A" not less than 1 meter in height near the work site so that it has all-round visibility.

(p) *Reserve breathing gas supply.* The employer shall provide and make available to each diver engaged in a diving operation a reserve breathing gas supply physiologically appropriate for the depth of the dive. Such supply shall be sufficient for life support until the diver can safely return to a place of refuge or the surface.

(q) *Communications.* The employer shall provide an operating 2-way audio communication system between the diver and the tender, except as permitted by paragraph (b)(1) of § 1910.423.

(r) *Employer's record of dives.* (1) The employer shall establish and maintain a record of each diver's diving exposure. This record shall contain the following:

(i) Name and address of the employer;

(ii) Location and date of diving operation;

(iii) Names of divers, tenders, and person-in-charge;

(iv) Depth of dive;

(v) Bottom time;

(vi) Water temperature and thermal protection used;

(vii) Environmental conditions (sea state, underwater visibility, and underwater currents);

(viii) Decompression tables used;

(ix) Breathing mixture used and composition;

(x) Type of work performed;

(xi) Type of diving equipment worn;

(xii) Any unusual conditions, including decompression sickness incidents; and

(xiii) Repetitive dive designation or time of last pressure exposure.

(2) For a diving operation with uniform exposures involving more than one diver, a single record applicable to all involved divers is sufficient. Where the exposure of any diver varies in any respect, the employer shall keep a separate record of these variations.

(3) The employer shall record accurate time-pressure profiles for all dives.

The time-pressure profile shall be automatically recorded and shall be capable of being monitored at the surface for all air dives deeper than 190 FSW and for all mixed-gas dives.

(s) *Positioning.* Employers shall confirm that vessels from which diving operations are conducted are fixed or dynamically positioned to afford a safe working platform.

§ 1910.422 Diver's log.

(a) *Format and entries.* (1) The employer shall require that each employee engaged as a diver establish and maintain a personal diver's log.

(2) The diver's log shall contain:

(i) A record of diving employment from the effective date of this subpart, including job titles, dates, and employers' names and addresses. Each employment entry shall be attested to by the employer's signature;

(ii) A complete record of civilian and military educational and training courses, including course titles and names and addresses of institutions;

(iii) A record of dates of all medical examinations required by this subpart, and names and addresses of examining physicians; and

(iv) Information pertinent to each diving exposure, to include the following:

(A) Location, date, and time of diving operation,

(B) Dive depth,

(C) Bottom time,

(D) Diving equipment used,

(E) Breathing mixture used,

(F) Repetitive dive designation,

(G) Occurrence of decompression sickness, and

(H) Signature of the designated person-in-charge on site.

§ 1910.423 Specific operations procedures.

(a) *General.* In addition to the general operations procedures required by § 1910.421, the employer shall comply as appropriate with the specific operations procedures contained in this section.

(b) *Self-contained diving.* The employer shall comply with the following procedures for self-contained diving operations.

(1) The employer need not provide the communications required by paragraph (q) of § 1910.421 for an employee who is accompanied by another diver (buddy) or who can communicate with the tender on the surface through a safety line using pull signals.

(2) The planned time of such a diving operation, including decompression time, shall not exceed the air supply duration of the cylinders exclusive of the reserve supply. The reserve gas supply as required in § 1910.421(p) shall not be included in the planned time of the dive.

(3) The cylinder pressure shall be determined immediately before each dive.

(4) A weight belt with a simple, quick release shall be worn which is appropriate for the suit and depth of the dive.

(5) A cylinder harness with a simple, quick release shall be worn to secure the breathing mixture cylinders to the diver.

(6) The weight belt and cylinder harness shall be independently attached to permit release of either one without interference by the other.

(7) A personal flotation device shall be worn except for diving in enclosed spaces or in the saturation mode.

(8) Compressed breathing gas cylinders shall be:

(i) Annually inspected internally and externally for corrosion and pitting;

(ii) Subjected to a hydrostatic test of 5/3 times the maximum allowable working pressure of the cylinders at least every 5 years, and additionally, prior to use when visibly damaged or significantly pitted or corroded. The date of the hydrostatic test shall be stamped on the tested cylinders;

(iii) Removed from service if they do not meet the requirements of the hydrostatic test. Results of inspections and tests shall be recorded in the equipment log in accordance with § 1910.438; and

(iv) Filled from a compressed gas system equipped with a relief valve that controls the maximum filling pressure.

(c) *Surface-supplied diving.* The employer shall comply with the following procedures for surface-supplied diving operations.

(1) The depth of each dive shall be determined prior to the start of operations.

(2) Except when an integral part of the gear, a weight belt with a simple, quick release appropriate for the suit and depth of the dive shall be worn.

(3) Except for heavy gear diving, a separate safety harness with a positive buckling device shall be worn. The harness shall distribute the load of the diver's body, and shall prevent any strain from being placed on the diver's mask or helmet when the umbilical attached to the lift ring on the harness is pulled.

(d) *Air diving.* The employer shall limit air dives between 190–220 FSW to a bottom time of 30 minutes or less.

(e) *Mixed-gas diving.* The employer shall comply with the following procedures for mixed-gas diving operations.

(1) The breathing mixture supplied to the diver shall be composed of a mixture of gases that is appropriate for the depth and duration of the dive.

(2) Mixed gas shall be used as the breathing mixture for dives deeper than 220 FSW.

(3) In the event of failure of the reserve mixed-gas breathing supply, air may be used as an emergency breathing mixture.

(f) *Bell diving.* The employer shall comply with the following procedures for bell diving operations.

(1) A minimum of 2 divers shall be used for dives using a closed diving bell.

(2) Open or closed bells shall be provided and used for dives of 220 FSW and deeper, other than structurally enclosed dives, and for dives which require more than 120 minutes of decompression time, except that closed bells shall be provided and used for dives of 300 FSW and deeper.

(g) *Live-boating.* The employer shall comply with the following procedures for live-boating operations.

(1) When live-boating, a protective device shall be installed on the propeller or other equally effective means shall be taken to prevent the hose from becoming entangled in the propeller.

(2) A reserve breathing gas supply shall be carried by each diver engaged in live-boating. The supply shall be sufficient for life support until the diver can be safely returned to the surface.

(3) Live-boating shall not be conducted at night or in rough seas.

(4) Live-boating shall be limited to dives with depths of 220 FSW or less, or decompression times of 120 minutes or less.

§ 1910.424 Maximum allowable oxygen and nitrogen limits.

(a) *Partial pressure of oxygen.* The employer shall confirm that the partial pressure of oxygen in the breathing mixture supplied to divers during the underwater working interval does not exceed the levels in Table II for the exposure times indicated.

TABLE II

Maximum oxygen partial pressure, ATA:	*Maximum exposure time*
1.6	30 minutes
1.5	40 minutes
1.4	50 minutes
1.3	1 hour
1.2	1 hour 20 minutes
1.1	2 hours
1.0	12 hours
0.5	over 12 hours

(b) *Long-duration oxygen limits.* The employer shall confirm that the maximum continuous oxygen level in a saturation habitat does not exceed a partial pressure of 0.5 ATA.

(c) *Partial pressure of nitrogen.* The employer shall confirm that the partial pressure of nitrogen in the air supplied to divers working underwater does not exceed 6.1 ATA (equivalent to 220 FSW).

§ 1910.425 Decompression table assessment.

(a) *General.* The employer shall utilize decompression tables based on tested and accepted physiological criteria, and shall assess such tables in accordance with the assessment program specified in this section.

(b) *Categories of dive records.* The employer shall separate and analyze dive records according to the following categories:

(1) Air dives deeper than 66 FSW or outside the no-decompression time-depth limits;

(2) Mixed-gas dives with bottom depths in the range from 0–400 FSW, by table;

(3) Saturation dives; and

(4) Mixed-gas dives with bottom depths deeper than 400 FSW, by table.

(c) *Phasing of effective dates.* Commencing with the effective date of this subpart, the employer shall assess rec-

ords of air dives deeper than 66 FSW or outside the no-decompression time-depth limits, mixed-gas dives with bottom depths in the range from 0–400 FSW, and saturation dives in accordance with Performance Criteria A; and additionally, the employer shall evaluate records of mixed-gas dives with bottom depths deeper than 400 FSW as required in paragraphs (d) and(e) (1), (2) and (3) of this section.

(2) Commencing one year from the effective date of this subpart, the employer shall assess records of mixed-gas dives with bottom depths deeper than 400 FSW in accordance with Performance Criteria A. For a period of one year from the effective date of this subpart, the employer shall only conduct mixed-gas dives with bottom depths deeper than 400 FSW:

(i) With a diving paramedic on site (unless Performance Criteria A is met); and

(ii) Using a schedule or table which has incurred no incident of the type of decompression sickness specified in Column 3 of Performance Criteria A or B.

Performance criteria A

Number of decompression sickness incidents	Number of dives		
	1	2	3
	Total, all types of decompression sickness	Serious	Residual audiovestibular or neurological
1	22–30	93–123	Any incident in any number of dives requires corrective action in accordance with para. (d)(5).
2	31–38	124–152	
3	39–46	153–180	
4	47–54	181–207	
5	55–62	208–233	
6	63–70	234–259	
7	71–78	260–285	
8	79–86	286–310	
9	87–93	311–335	
10	94–101	336–361	

NOTE.—The minimum number of dives required for assessment of col. 1 is 22, and for col. 2, 93. Col. 1 includes all types of decompression sickness: pain-only, serious, and residual.

(3) Commencing three years from the effective date of this subpart, the employer shall assess records of air dives deeper than 66 FSW or outside the no-decompression time-depth limits, mixed-gas dives with bottom depths shallower than 400 FSW, mixed-gas dives with bottom depths deeper than 400 FSW, and saturation dives in accordance with Performance Criteria B.

Performance criteria B

Number of decompression sickness incidents	Number of dives		
	1	2	3
	Total, all types of decompression sickness	Serious	Residual audiovestibular or neurological
1	44–61	188–249	Any incident in any number of dives requires corrective action in accordance with par. (e)(5)
2	62–78	250–307	
3	79–95	308–363	
4	96–111	364–417	
5	112–127	418–470	
6	128–143	471–522	
7	144–158	523–574	
8	159–174	575–624	
9	175–189	625–674	
10	190–205	675–724	

NOTE.—The minimum number of dives required for assessment of col. 1 is 44, and for col. 2, 188. Col. 1 includes all types of decompression sickness: pain-only, serious, and residual.

(d) *Assessment period.* The employer shall assess records of dives each assessment period, and shall complete such assessment within 45 days from the close of the period being assessed. An assessment period shall be one calendar month or, if longer, the time necessary to attain the minimum number of dives specified in Performance Criteria A or B, as appropriate, except that the assessment period shall terminate as soon as one residual audio-vestibular or neurological incident is incurred or as soon as two Column 1 or two Column 2 incidents are incurred in less than the minimum number of dives specified in Performance Criteria A or B, as appropriate.

(e) *Assessment procedure.* (1) The employer shall total the number of dives and the number of incidents of decompression sickness by types (Column 1, all types; Column 2, serious; Column 3, residual audio-vestibular or neurological) indicated in Performance Criteria A or B, as appropriate, for each category of dive specified in paragraph (b) of this section.

(2) The employer shall compare his total incident/total dive figures for each type of decompression sickness for each category of dive with the appropriate column of Performance Criteria A or B, as appropriate.

(3) If the employer's total for any type of decompression sickness for any category of dive exceeds the maximum indicated for the specified number of dives in Performance Criteria A or B, as appropriate, the employer shall investigate the circumstances surrounding the dive(s) in question, and shall prepare a written analysis evaluating these circumstances.

(4) If the employer's total for any type of decompression sickness for air dives deeper that 66 FSW or outside the no-decompression time-depth limits, mixed-gas dives with bottom depths in the range from 0–400 FSW, or saturation dives exceeds the maximum indicated for the specified number of dives in Performance Criteria A or B, as appropriate, for two out of three assessment periods, the employer shall:

(i) Modify the procedures, schedule(s) or table(s) in a manner calculated to effect improvement; and

(ii) Document and explain the changes made in such procedures, schedule(s) or table(s).

(5) If the employer's total for any type of decompression sickness for air dives deeper than 66 FSW or outside the no-decompression time-depth limits, mixed-gas dives with bottom depths in the range from 0–400 FSW, or saturation dives exceeds the maximum indicated for the specified number of dives in Performance Criteria A or B, as appropriate, for three out of five assessment periods, the employer shall:

(i) Discontinue use of the schedule(s) or table(s) involved, or return such schedule(s) or table(s) to a laboratory for modification and testing;

(ii) Have such modified schedule(s) or table(s) tested:

(A) In a manner which permits the results of such testing to be applied to the entire table with validity,

(B) Using at least six subjects performing physical work, and

(C) Until 12 consecutive man-dives without decompression sickness have been attained on each schedule or table tested; and

(iii) Document the testing required above.

(6) Commencing one year from the effective date of this subpart, if the employer's total for any type of decompression sickness for mixed-gas dives with bottom depths deeper than 400 FSW exceeds the maximum indicated for the specified number of dives in Performance Criteria A or B, as appropriate, for:

(i) Two out of three assessment periods, the employer shall follow the procedures specified in paragraph (e) (4) of this section; or

(ii) Three out of five assessment periods, the employer shall follow the procedures specified in paragraph (e) (5) of this section.

(f) *New table assessment.* The employer shall have written verification that each new table has been tested in the laboratory in accordance with the requirements of paragraph (e) (5) of this section before such table is used in the field.

§ 1910.426 Hand-held power tools.

(a) *De-energizing tools.* The employer shall de-energize all hand-held electrical tools, including hand-held electrical equipment inside bells and habitats, at the surface when being placed into or retrieved from the water.

(b) *Switches and controls.* The employer shall confirm that hand-held power tools (electric, hydraulic and pneumatic) have a constant pressure switch or control.

§ 1910.427 Welding and burning.

(a) *Grounding.* The employer shall confirm that welding machine frames are securely grounded.

(b) *Insulation.* The employer shall confirm that welding cables, electrode holders, and connections are properly insulated.

(c) *Disconnect switch.* The employer shall confirm that the welding electrical circuit has a positive disconnect switch. The switch shall remain open except during actual underwater welding or burning.

(d) *Protective apparel.* The employer shall confirm that insulated gloves are worn by divers engaged in welding or burning.

(e) *Inert gas purging.* The employer shall confirm that closed compartments, structures or pipelines which are subjected to the heat of welding or burning are flooded, vented or purged with inert gas prior to welding or burning, except during hot tapping operations.

§ 1910.428 Explosives.

(a) *General.* Employers shall transport, store and use explosives in compliance with § 1910.109 and § 1926.912 of

this chapter, as appropriate, and with the requirements of this section.

(b) *Transport and storage.* The employer shall confirm that single component explosives are transported and stored in magazine boxes. Blasting caps shall not be stored with explosives.

(c) *Circuit tests.* The employer shall confirm that electrical continuity of explosive circuits are not tested with divers in the water.

(d) *Area clearance.* The employer shall confirm that divers are out of the water before explosives are detonated.

§ 1910.429 Fire, emergency and evacuation procedures.

(a) *Fire.* The employer shall develop a fire fighting plan specifically covering diving operations and their immediate work areas in addition to any general fire fighting plan for the vessel, platform, facility, or other work site from which diving operations take place. Fire fighting equipment appropriate to implement the plan shall be available and ready for use at the work site during diving operations.

(b) *Emergency.* The employer shall develop an emergency plan which shall include procedures for the following contingencies or emergencies:

(1) Loss of voice communications;

(2) Interruption of the surface gas supply;

(3) Parting of the diver's life support hose bundle (umbilical);

(4) Diver entanglement or entrapment;

(5) Oxygen poisoning;

(6) Nitrogen narcosis;

(7) Decompression sickness;

(8) Uncontrolled buoyant ascent (blowup);

(9) Physical injury; or

(10) Acute illness.

(c) *Evacuation and rescue.* The employer shall develop evacuation plans for surface-supplied, saturation, and bell diving operations including the rescue or retrieval of manned PVHO's in emergencies such as:

(1) Storms, fires, or blowouts requiring evacuation of the work site (work platform); or

(2) Loss of power which significantly affects the ability to maintain life support systems.

(d) *Instructions.* The employer shall instruct members of the diving team in fire fighting, emergency, and evacuation procedures and assignments prior to commencing diving operations.

DIVING EQUIPMENT AND SYSTEMS

§ 1910.430 Equipment.

(a) *General.* Employers engaged in diving operations shall instruct employees in the use of tools, equipment and systems so as to comply with the requirements of this subpart.

(d) *Modification.* The employer shall confirm that any modification made to the design and/or operation of any equipment, device, or system that changes its operational characteristics with respect to breathing gas flow is noted in the equipment log in accordance with § 1910.438.

§ 1910.431 Helmets and masks.

(a) *General.* (1) The employer shall confirm that open-circuit helmets and masks (except oral-nasal) are capable of ventilating at least 4.5 cubic feet per minute (cfm) of gas when supplied at the pressure recommended by the manufacturer of the equipment.

(2) A 2-way, audio-communication system shall be incorporated into helmets and masks used for diving operations except as specified in paragraph (b) of § 1910.423.

(b) *Surface-supplied helmets and masks.* The employer shall confirm that surface-supplied helmets and masks:

(1) Are equipped with non-return valves;

(2) Are made of corrosion-resistant materials if used in salt water; and

§ 1910.432 Dry suits (variable volume).

The employer shall confirm that dry suits (variable volume) or similar buoyancy-changing equipment which do not connect directly to the helmet are equipped with exhaust valves to minimize the possibility of blowup.

§ 1910.433 Breathing gas hoses.

(a) *Rating.* The employer shall confirm that breathing gas hose assemblies are designed for bursting pressures of not less than 4 times the maximum allowable working pressure at which they are to be used. Such hoses shall be marked with the maximum allowable working pressure. In no case shall the working pressure be less than the maximum depth of the dive (converted to pounds per square inch (psi)) plus 100 psi.

(b) *Properties.* The employer shall confirm that breathing gas hoses are resistant to kinking and capable of the required gas flow rates for the system used.

(c) *Testing.* (1) The employer shall test breathing gas hoses and fittings at least annually to 1.5 times their maximum allowable working pressure. In addition, they shall be tested after each exposure to rough usage or to other use which results in visible damage.

(2) Information concerning the tests performed on such hoses and fittings shall be entered in the equipment log in accordance with the requirements of § 1910.438.

(d) *Markings.* (1) The employer shall mark breathing gas hoses clearly in 10 ft. increments up to 50 ft. starting at the diver's end at 50 ft. increments thereafter, to enable the tender to determine how much hose has been payed out.

(2) Hose markings shall not be used as a primary method for determining diver depth. A pneumofathometer or similarly reliable and accurate method shall be used instead.

(e) *Corrosion resistance.* The employer shall confirm that breathing gas hose fittings used in salt water service are made of corrosion-resistant materials.

(f) *Design.* The employer shall confirm that the connections of breathing gas hose fittings are of a type that cannot be accidentally disengaged from the sections of hose or gas system.

(g) *Protection.* Employers shall tape, cap, or plug breathing gas hoses when not in use to prevent foreign matter from entering the hoses.

(h) *Oxygen cleaning.* The employer shall confirm that oxygen cleaning necessary to prevent ignition of materials within the breathing gas hoses when such hoses are placed in use is performed using appropriate cleaning agents. The cleaning process shall be described in the equipment log in accordance with § 1910.438.

(i) *Tagging.* The employer shall identify breathing gas hoses and fittings used in oxygen service by a tagging system or similar method.

§ 1910.434 Air compressors and systems for respirable air.

(a) *Volume tanks or receivers.* The employer shall confirm that volume tanks or receivers manufactured after the effective date of this subpart and used in compressed air systems for respirable air comply with the design and construction requirements of the current American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels. Tanks or receivers manufactured before the effective date of this subpart shall be maintained in conformity with the code requirements to which they were built. Volume tanks or receivers shall be equipped with a check valve on their inlet side, a pressure gauge, and a relief valve set to relieve at the maximum allowable working pressure on the volume tank or receiver.

(b) *Recording of maintenance and repairs performed.* The employer shall make an entry in the equipment log of all maintenance and repairs performed on the compressors and the air systems, in accordance with § 1910.438. These entries shall include such information as belt or oil changes on the compressor, any engine maintenance or repairs performed, or any other change or repair to any part of the air system, such as a filter change.

(c) *Air purity requirements.* The employer shall confirm that air supplied as a breathing mixture to a diver does not contain a level of carbon monoxide greater than 15 parts per million, or a level of carbon dioxide greater that 500 parts per million. The hydrocarbon content shall not exceed 5 milligrams per cubic meter, and the air shall not have any noxious or pronounced odor.

(d) *Air compressor intakes.* The empoyer shall locate air compressor intakes in an area free of exhaust fumes and other contamination. The air intakes of air compressors permanently installed in an enclosed space shall be piped externally to a source clear of exhaust fumes and other contaminants if an internal combustion engine is used as the prime mover.

(e) *Compressors.* The employer shall analyze compressor air output once every 1,000 operating hours or once every six months, whichever occurs first, to verify that the air discharge meets the air purity requirements of paragraph (c) of this section. A record shall be kept of

these readings in the equipment log in accordance with § 1910.438.

§ 1910.435 Pressure vessels for human occupancy (PVHO).

(a) *General PVHO requirements.* The employer shall confirm that pressure vessels for human occupancy manufactured after the effective date of this subpart conform to the requirements of the current ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels. PVHO's manufactured before the effective date shall be maintained in conformity with the code requirements to which they were built.

(b) *Oxygen piping on PVHO's.* (1) The employer shall confirm that all hard piping systems, fittings and tubing carrying pure, high-pressure oxygen are made of corrosion-resistant metals.

(2) PVHO internal oxygen outlets shall have non-return valves or shut-off valves.

(3) Shut-off valves used in an oxygen system above 125 psi shall be of the slow-opening type, such as a needle-type valve.

(c) *Installed oxygen breathing system.* On PVHO's with installed oxygen breathing systems, the employer shall provide adequate ventilation to prevent the oxygen concentration in the PVHO from rising above 25 percent.

(1) When ventilation is the sole method used, the oxygen concentration shall be continuously monitored.

(2) When an overboard oxygen dump system is used, the oxygen concentration shall be monitored at least once every 15 minutes.

(d) *Fire protection.* The employer shall confirm that PVHO's are designed and equipped to eliminate internal combustible materials and sources of ignition to the extent feasible.

(e) *Illumination.* The employer shall confirm that interiors of PVHO's are capable of being illuminated from the interior or exterior to permit visual observation of the diver from the exterior as necessary.

(f) *Exhaust line guard.* The employer shall install an exhaust line guard on the exhaust outlet inside the PVHO.

(g) *Audio-communication.* The employer shall confirm that an operating, 2-way audio-communication system is provided and used while a PVHO is in operation.

§ 1910.436 Depth gauges.

(a) *Testing and calibration.* (1) The employer shall confirm that depth gauges used in surface-supplied and bell diving and in the pressure system on PVHO's are deadweight tested or calibrated against a master-reference gauge every six months and any time there is reason to believe they are not functioning properly. A card or label shall be attached to the gauges showing date of test or calibration.

(2) An entry shall be made in the equipment log identifying the gauges tested or calibrated and describing the method used in accordance with § 1910.438.

(b) *Installation to allow checking.* The employer shall confirm that depth gauges in the pressure system on PVHO's are so installed as to allow a system check of their accuracy.

§ 1910.437 Compressed gas equipment (except SCUBA cylinders).

(a) *Securing of cylinders.* The employer shall store compressed gas cylinders in a well-ventilated area, protect them from heat, and secure them from falling.

(b) *Protection cap.* The employer shall keep the protection cap over the cylinder neck and valve of compressed gas cylinders when they are not in use.

(c) *Pressure regulator (oxygen).* The employer shall utilize oxygen-compatible pressure regulators to control flow in oxygen systems.

§ 1910.438 Equipment log.

(a) *Content.* The employer shall establish and maintain an equipment log in which at least the following information shall be entered:

(1) The procedures followed in testing gas supply hoses and fittings and the results of such tests;

(2) The procedures followed in the oxygen cleaning of hoses and the methods and materials used to maintain cleanliness;

(3) The maintenance and repairs to the air compressor and the air system;

(4) The testing and calibration of depth gauges;

(5) Any changes made to the design and operation of any equipment, device or system that change its operational air flow characteristics; and

(6) Air system air purity tests.

(b) *Entries.* For each entry in the equipment log, the employer shall identify the equipment or part, describe the nature of the work, note the date on which the work is performed, and require the individual performing the work to sign and print his name.

RECORDKEEPING REQUIREMENTS

§ 1910.440 Recording and reporting.

(a) *Recording.* The employer shall record occupational injuries and illnesses in accordance with the requirements of Part 1904 of this chapter.

(b) *Reporting.* (1) The employer shall report to the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor, the occurrence of any of the following employment-related accidents, injuries, or illnesses:

(i) Any fatality;

(ii) Any hospitalization of five or more employees;

(iii) Any diving-related injury or illness to any diver requiring hospitalization of 72 hours or more;

(iv) Any diving-related injury or illness to a diver requiring at least 5 days' treatment by an attending physicians; or

(v) Decompression sickness with residual audiovestibular or neurological effects.

(2) The employer shall report either orally or in writing within 48 hours after the occurrence. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries or illnesses. The Area Director may require such additional report, in writing or otherwise, as he deems necessary concerning the accident.

§ 1910.441 Availability of records.

(a) *Inspection of records.* Upon the request of an authorized representative of the Assistant Secretary for Occupational Safety and Health, the employer shall make available for inspection and copying any manual, report, plan, record, log, table verification, PVHO oxygen concentration monitoring record, or document required by this subpart.

(b) *Retention of records.* The employer shall retain manuals, reports, plans, records, logs, table verifications, PVHO oxygen concentration monitoring records and documents required by this subpart for at least 3 years, except that the medical records required in § 1910.411 shall be retained for 5 years. This requirement shall not apply to the diver's log required in § 1910.422.

(c) *Transfer of records.* In the event the employer ceases to do business, the successor employer shall receive and retain all records required by this subpart.

APPENDIX A

RECOMMENDED BRITISH MEDICAL RESEARCH COUNCIL DECOMPRESSION SICKNESS REGISTRY TECHNIQUES SKELETAL RADIOLOGICAL INVESTIGATION FOR DIVERS

The basic skeletal survey should include views of the head and proximal parts of the shafts of the humerus and femur on each side and projections of each knee including the distal two-thirds of the shafts of the tibia.

The early demonstration of dysbaric osteonecrosis demands high quality radiographs which clearly demonstrate the bone trabeculae. This will require the optimum screen/film combination, an adequate ratio grid and focal spot size of 1 or 2 mm. A smaller size with a high-speed rotating tube should be used if this is available. Gonad protection should always be used. A list of recommended projections and specimen radiographs illustrating these views should be available for the radiographer. Where possible the radiographs should be checked before the patient leaves the X-ray room or Department and preferably this should be done by the radiologist responsible for the interpretation.

It is of considerable advantage to have the surveys done in as few centers as possible so that the radiography technicians become closely involved in the work and are fully aware of the problems in interpretation and the need for high quality radiographs.

SHOULDER JOINT

The objective is to obtain a radiograph of the entire articular cortex of the humeral head in unobscured profile. An 18 by 24 cm (8/10) film is recommended. An anteroposterior projection of each shoulder is taken with the patient lying supine and the trunk rotated to bring the scapula on the side to be radiographed flat against the table top. With the arm in the supine position (palm up), pulled down and abducted 10 degrees the beam is centered one inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphragms to show only the

head and the proximal third of the shaft of the humerus. This view should show a clear joint space. The patient should hold his breath while the film is exposed.

HIP JOINT

The objective is to obtain a radiograph demonstrating the head of the femur. To obtain comparable radiographs at serial follow-up, the femoral neck should be in a standard position. A 24 by 30 cm film (10/12) is recommended. A separate anterposterior projection of each hip joint is taken with the patient placed in a supine position and the foot on the side under investigation kept at 90 degrees to the table top. The beam should be centered over the head of the femur, that is, 1 inch (24.5 mm) below the mid-point of the line joining the anterior-superior iliac spine and the mid-point of the upper border of the public symphysis. The beam should be collimated by bringing in the diaphragms to show only the head, neck and immediate subtrochanteric area of the femoral shaft. The edge of the gonad protector should be as near to the femoral head as possiblt but not obscuring it.

KNEE JOINT

The object is to ensure a comparable density between the lower two-thirds of the femur and the upper third of the tibia. It is recommended that the kV is lowered, the mA raised and use made of a grid. Two projections are used. A 30 by 40 cm film (12/15) is recommended for both. An anteroposterior projection of each knee is made with the knee extended to include the lower two-thirds of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella. A lateral projection of each knee joint is made with the patient rotated so that the lateral border of the knee to be examined is against the table. The opposite leg should be positioned so that a line through both anterior-superior iliac spines is at right angles to the table top. In this way the projection of the knee joint is more likely to be a true lateral. The field should include the lower two-thirds of the femur and the upper third of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella.

If there is doubt about the diagnosis, the following additional views may be of value.

SHOULDER JOINT WITH ARM IN INTERNAL ROTATION

An 18 by 24 cm (8/10) film is recommended. An anteroposterior projection of each shoulder joint is taken with the patient placed in a supine position and the trunk rotated by turning the forearm to the prone position (palm down), with the elbow slightly flexed and the humerus abducted approximately 10 degrees. The beam is centered 1 inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphrams to show only the head and the proximal third of the shaft of the humerus. The patient should hold his breath during the exposure.

HIP JOINT WITH LEG IN LATERAL POSITION

A 24 by 30 cm (10/12) film is recommended. A lateral projection of the hip joint increases the potential radiation close to the gonads. However, it may be of value in identifying an early lesion particularly when there is a structural failure with a translucent subcortical band. A separate lateral projection of each hip joint is taken with the patient supine. The knee and hip on the side to be examined are flexed so that the foot is flat on the table top directly opposite the other knee. The thigh is then abducted maximally and the knee supported by a sandbag. The beam is centered over the head of the femur, that is, 1 inch (24.5 mm) below the midpoint of the upper border of the public symphysis. The projection should include the head, neck and immediate subtrochanteric region of the femur.

FURTHER COMMENTS

The gonads must always be protected from ionizing radiation by a lead shield. If this is done, estimation of the radiation dose received by the patient indicates that the basic skeletal survey can be safely repeated at intervals of six months.

It is debatable whether the routine surveys should include the above-mentioned additional projections. However, when doing this type of work it is not always practical or easy to recall a man for a repeat or extended radiographic examination. In this situation it is worthwhile to include the additional projections as they may help to indicate more clearly whether or not an abnormality is present. If recall of the patient is easy, the survey should be confined to the basic views. Probably the greatest fault in the radiographs lies in underpenetration. The presence of osteonecrosis often results in an overall increase in bone bulk, so that there is more tissue for the X-rays to penetrate. Unless the kilo voltage is increased, possibly as much as 10kV above the normal value, a pale, underpenetrated radiograph will result. Underpenetration is one of the commonest causes of misinterpretation and failure to identify osteonecrosis, and care should be taken to avoid it. Other difficulties in interpretation arise from malrotation of the shoulder joint, which results in the superior border of the greater tuberosity appearing as a dense layer which could be misinterpreted as osteonecrosis.

Tomography may be required to improve definition particularly in the femoral head and sometimes in the humeral head where detail is obscured by overlying bone. In general, however, good quality radiographs preclude the need for frequent use of tomography.

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

2. In Part 1915 of 29 CFR, § 1915.8 would be added to incorporate by reference Subpart T of 29 CFR 1910.

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

3. In Part 1916 of 29 CFR, § 1916.8 would be added to incorporate by reference Subpart T of 29 CFR Part 1910.

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

4. In Part 1917 of 29 CFR, § 1917.8 would be added to incorporate by reference Subpart T of 29 CFR Part 1910.

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

5. In Part 1918 of 29 CFR, § 1918.9 would be added to incorporate by reference Subpart T of 29 CFR Part 1910.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

6. In Part 1926 of 29 CFR, § 1926.605 (e) would be amended to incorporate by reference Subpart T of 29 CFR Part 1910.

[FR Doc.76-32625 Filed 11-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD76-009]

COMMERCIAL DIVING STANDARDS

Public Hearing

Pursuant to the Memorandum of Understanding between the Occupational Safety and Health Administration (OSHA) and the Coast Guard published in the FEDERAL REGISTER (41 FR 24292) on June 15, 1976, the Coast Guard intends to publish a notice of proposed rulemaking on commercial diving standards that will be substantially similar to the proposed permanent standards for commercial diving operations published by OSHA in the November 5, 1976, issue of the FEDERAL REGISTER (Vol. 41, Part V).

The Coast Guard and OSHA will hold a joint public hearing at 9:30 a.m. on December 16–17, 1976, at Terrace Suites 3, 4, and 5, Braniff Place Hotel, 1500 Canal Street, New Orleans, Louisiana, to receive public comments on the substance of the proposed standards.

Copies of the proposed OSHA standard may be obtained from the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590 (202–426–1477).

The Coast Guard will give the public an opportunity to comment on its proposed regulations and will hold another public hearing if there is a substantive issue raised in the request for a hearing that was not or could not have been raised during the joint Coast Guard-OSHA hearing.

Dated: November 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-32615 Filed 11-4-76;8:45 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART VI:

INTERSTATE COMMERCE COMMISSION

■

UNIFORM SYSTEM OF ACCOUNTS

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[Docket No. 36366]

PART 1201—RAILROAD COMPANIES

Subpart B—Branch Line Accounting System

REPORT AND ORDER

The Regional Rail Reorganization Act of 1973 (the RRR Act) (45 USC 701) and the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act) (45 USC 801) make comprehensive changes in the substantive and procedural requirements for the abandonment of rail lines by carriers subject to regulation by the Interstate Commerce Commission (the Commission) under Part I of the Interstate Commerce Act (the Act). Under new section 1a(5) of the Act, railroads must publish a transportation system diagram disclosing all rail lines and line segments which are "potentially subject to abandonment" and for which they plan to file abandonment applications.

Section 1a(6) of the Act provides opportunities for financially responsible persons to offer subsidy payments in order to continue rail freight service on lines which the Commission has determined may otherwise be abandoned. Section 304 of the RRR Act specifies similar subsidy provisions which enable the continuation of rail freight service in the Midwest and Northeast Region.

The Rail Services Planning Office (the Office) has issued regulations implementing section 304 of the RRR Act (49 CFR 1125). Concurrent with the issuance of this report, the Commission and the Office have concluded rulemaking in Ex Parte No. 274 (Sub-No. 2) implementing section 1a of the Act by revising Part 1121 of ICC regulations to specify procedures for preparing the system diagram, making application to abandon a line and offering to subsidize rail freight service.

By notice published June 8, 1976, the Office instituted the above referenced proceeding (41 FR 23172), pursuant to section 205(e)(1)(A) of the RRR Act (45 USC 715), to solicit public views concerning proposed branch line accounting regulations for rail freight lines scheduled for abandonment under section 1a of the Act or section 304 of the RRR Act. Section 205(e)(1)(A) of the RRR Act directs the Office to develop an accounting system in the form of regulations—

which will permit the collection and publication by the [Consolidated Rail] Corporation or by profitable railroads providing service over lines scheduled for abandonment, of information necessary for an accurate determination of the attributable revenues, avoidable costs, and operations of light density lines as operating and economic units.

The Office published a Second Notice September 7, 1976 (41 FR 37603), summarizing the views of the eleven parties responding to the initial Notice and revising the proposed regulations to require the collection and publication of accounting data for branch lines listed in proposed categories (1), (3) or (4) of the transportation system diagram map. The proposed diagram map would have identified and separated the transportation system of the railroad into the following categories:

(1) All lines or portions of lines which the carrier believes to be potentially subject to abandonment because the carrier anticipates an abandonment or discontinuance application will be filed within the three-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission;

(2) All lines or portions of lines which may become potentially subject to abandonment because, in the carrier's best judgment, the cost of performing rail service exceeded the revenues from performance of that service by 20 percent or more during each of the two most recent 12-month accounting periods preceding the date upon which the diagram, or any amended diagram, is filed with the Commission but for which the carrier does not anticipate an abandonment or discontinuance application will be filed;

(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission;

(4) All lines or portions of line which are being operated under the rail service continuation provisions of section 1a(6)(a) of the Act or of section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the diagram, or any amended diagram, is filed with the Commission; and

(5) All other lines or portions of lines which the carrier owns, operates, or is authorized to operate pursuant to a certificate of public convenience and necessity or any other legal authority.

In the Second Notice, the Office also invited public comment on the following proposals:

To exempt from the accounting requirement branch lines listed in proposed category (2) of the system diagram map; and

To grant the "designated state agency" (section 5(j)(2) of the Department of Transportation Act and section 402(c)(1)(A) of the RRR Act) access to the accounting data for lines listed in proposed categories (1), (3) and (4).

The Office received six comments in response to the Second Notice from the Association of American Railroads (AAR), CF Industries, Inc. (CFI), Maryland Department of Transportation (Md DOT), Pennsylvania Public Utility Commission (PaPUC), Missouri-Kansas-Texas Railroad Company (MKT), and United States Department of Transportation (DOT).

Categories of Lines. Upon consideration of the comments in the national abandonment and subsidy rulemaking, the Commission has rephrased the system diagram categories to read as follows:

(1) All lines or portions of lines which the carrier anticipates an abandonment or discontinuance application will be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission;

(2) All lines or portions of lines potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues;

(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission;

(4) All lines or portions of lines which are being operated under the rail service continuation provisions of section 1a(6)(a) of the Act or of section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the diagram, or any amended diagram, is filed with the Commission; and

(5) All other lines or portions of lines which the carrier owns, and operates directly or indirectly.

MKT alone continues to press for the exemption of category (1) branch lines by requiring the railroad to maintain "records only for those lines for which an abandonment application has already been filed." We cannot accede to MKT's view. Category (1) lines, i.e., those the railroad plans to abandon in the foreseeable future, are clearly "scheduled for abandonment" within the meaning of section 205(e)(1)(A) of the RRR Act. We also agree with MdDOT that "collecting line specific operating data prior to abandonment * * * will produce a more accurate picture of the actual expenses incurred in lieu of an estimated cost based on system average-type information."

Category (2), as revised, differs from category (2), as proposed, in two material respects: revised category (2) includes lines which the railroad has under study as potential candidates for abandonment and which it believes may be the subject of a future abandonment application; it excludes lines which the railroad believes to be economic losers, but which it does *not* anticipate seeking authority to abandon.

We believe that Congress intended the branch line accounting system to apply to lines which the railroad, in the exercise of its business judgment, has under surveillance as potential candidates for abandonment and which it believes may be the subject of a future abandonment application. The final regulations, therefore, require the railroad to maintain revenue, expense, and service unit data in accordance with the branch line accounting system for all lines it chooses to designate in category (2).

AAR objects to imposing the branch line accounting regulations on those

category (3) lines which are already the subject of pending abandonment or discontinuance applications. AAR argues that such "recordkeeping is not needed to determine whether the line should be abandoned, because either all the evidence has been taken or the evidence to be taken will be in accordance with the procedural rules and substantive provisions of the Act without regard to the 4–R amendments." AAR further asserts that "not enough data would be collected to be useful [in the formulation of subsidy offers and that] the Commission has otherwise provided for the data necessary to administer the subsidy provisions for lines now on file."

We disagree. Data collected under the branch line accounting system may be relevant and material to the disposition of applications filed prior to the issuance of the national abandonment and subsidy regulations. Section 1a(7) of the Act, upon which AAR presumably relies, directs the Commission to process pending applications under its pre-4-R Act abandonment procedures. It does not limit the nature and quality of the evidence to be received. Thus, the decision whether to receive and consider in pending cases accounting data, generated under the branch line system, is committed to the discretion of the Commission or delegated authority. In any event, data collected on branch lines subject to pending applications clearly could assist the designated state agencies in fulfilling their planning responsibilities and railroads in preparing the estimated subsidy payments responsive to notices of intention to offer financial assistance by financially responsible persons under section 1a(6) of the Act.

Railroads with applications pending must of course be afforded a reasonable opportunity to comply with the new accounting regulations. Therefore, § 1201. 920(a)(1) provides that the recordkeeping requirement does not commence until the first day of the month after the branch line has been designated on the system diagram. The initial diagram does not have to be filed until 180 days after permanent abandonment and subsidy regulations are issued and thus affected carriers will have ample opportunity to establish an accounting system conforming to branch line accounting regulations.

Access to data. No party responding to the Second Notice opposes granting the designated state agencies access to the revenue, cost and service unit data for lines subject to the branch line accounting regulations, although AAR "doubts the necessity for the proposal" because it believes "a more usable package of information has already been developed by the AAR in cooperation with the states so that they may carry out their planning functions."

Similarly, no party responding to the Second Notice opposes the publication of aggregate data for all branch lines rather than requiring individual branch line reports. MdDOT, while tending to support the desire of other states for regularly published reports on individual branch lines, agrees with the Office "that this could become an enormous burden on the carrier." PaPUC appreciates too "the Office's concern about the cost to the railroad of providing line specific data for each of the lines in [categories (1), (2) and (3) as renumbered but suggests that] once the data is accumulated by branch lines (a requirement of the Act), the additional cost of providing the states with the information is only the cost of reproduction." Our final regulations provide in accord with PaPUC's suggestion that the individual line data must be reproduced by the railroad for the designated state agency, provided the state pays the reasonable cost thereof.

Other Matters. CFI suggests "that the $540,000,000 in light density line subsidies [authorized under section 5 of the Department of Transportation Act and section 402 of the RRR Act] be also made available to aid in relocation of industries." This approach was recommended to Congress in hearings on the 4R Act (Senate Report No. 94–31, pp. 848–49), but not included in the final legislation. In any event, the regional and national financial assistance programs are administered by DOT, not the Office or the Commission.

MKT reiterates its view that the branch line accounting regulations should not be adopted until the the national abandonment and subsidy regulations have been issued. As explained in the Second Notice (41 FR at 37603), Congress directed the Office to issue regulations in both areas by November 1, 1976. We are, however, serving the final abandonment and subsidy regulations on all parties to this proceeding and will entertain petitions for reconsideration of the branch line accounting regulations filed on or before December 1, 1976.

As indicated in the initial Notice (41 FR at 23172–73), the Commission is undertaking a comprehensive revision of the Uniform System of Accounts (USOA) under section 20 of the Act as amended. Its regulations must be issued not later than June 30, 1977 with an effective date not later than January 1, 1978. The Office will conform its branch line accounting system to the revised USOA to minimize recordkeeping requirements to the extent practicable.

The Office has carefully considered the views of all parties on the proposed regulations. The final regulations reflect modifications of an editorial or non-controversial nature which were not specifically addressed in this report.

Accordingly, *it is ordered*, That Part 1201 of Title 49 of the Code of Federal Regulations be amended by making the changes set forth below.

Issued October 29, 1976, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

ROBERT L. OSWALD,
Secretary.

1. Part 1201 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

Part 1201 [Amended]

All of the text presently in Part 1201 is designated as "Subpart A—Uniform System of Accounts for Railroad Companies."

2. A new subpart is added as follows:

Subpart B—Branch Line Accounting System

Sec.
900 Definitions.
910 Purpose and scope.
920 Collection of data.
930 Publication of data.
940 Chart of accounts and Annual Branch Line Report.

AUTHORITY: Sec. 205(e)(1)(A), Regional Rail Reorganization Act of 1973, Pub. L. 93–236, 87 Stat. 985, 994, as amended by Sec. 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 31, 57.

900 Definitions.

Unless otherwise required by context, the following definitions apply in this subpart:

"Account" means an account in the Commission's Uniform System of Accounts (USOA) for Railroad Companies (49 CFR Part 1201, Subpart A).

"Act" means the Interstate Commerce Act (49 U.S.C. 1 et. seq.) as amended by section 802 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 127.

"Branch" means a rail line or segment of line which (a) has been designated on a transportation system diagram in Categories (1), (2), (3), or (4) (49 CFR 1121.20(b) (1), (2), (3), (4)); or (b) is the subject of a directed service order under section 304(d)(3) of the RRR Act; or (c) is the subject of a rail continuation service agreement entered into prior to the designation of the line on a system diagram.

"Commission" means the Interstate Commerce Commission.

"Designated state agency" means the instrumentality created by a state or designated by appropriate authority to administer or coordinate its state rail plan as required by section 5(j)(2) of the Department of Transportation Act (90 Stat. 131) or section 402(c)(1)(A) of the RRR Act (90 Stat. 140) or regulations promulgated pursuant thereto.

"Office" means the Rail Services Planning Office established by section 205 of the RRR Act as amended.

"Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act [49 U.S.C. 1(3)].

"RRR Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93236, 87 Stat. 985, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210.

910 Purpose and scope.

Section 205(e)(1)(A) of the RRR Act directs the Office to issue regulations which will permit the collection and publication by the Consolidated Rail Corporation or by profitable railroads of information necessary to determine accu-

rately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under Part 1121 or 1125 of Subchapter B of the regulations. The purpose of this subpart is to specify an accounting system which will permit the collection and publication of such data.

920 Collection of data.

(a) *General.* The railroad shall collect the revenue, cost, and service unit data specified in Parts 1121 or 1125 of Subchapter B of the regulations for all branch lines as that term is defined in account 900. The data shall be collected commencing:

(1) The first day of the month after a branch has been designated on a system diagram in Categories (1), (2), (3), or (4) (49 CFR § 1121.20(b) (1), (2), (3), (4)) and continuing for so long as the branch is retained in these categories; or

(2) The effective date of an order under section 304(d)(3) of the RRR Act directing service on a branch and continuing until the order is withdrawn; or

(3) The effective date of a rail service continuation operating agreement and continuing for the duration of the agreement.

(b) *National Standards.* The railroad shall apply the assignment and apportionment methodology set forth in Part 1121, Subchapter B to any branch:

(1) Which it has designated on a system diagram in Categories (1), (2), or (3) (49 CFR § 1121.20(b) (1), (2), (3)); or

(2) Which is the subject of a rail service continuation agreement, entered into pursuant to section 1a(6)(a) of the Act.

(c) *Regional standards.* The railroad shall apply the assignment and apportionment methodology set forth in Part 1125, Subchapter B, to any branch which is the subject of a rail service continuation agreement entered into pursuant to section 304 of the RRR Act.

(d) *Account texts.* The data collected shall include the items of revenue and expense as described in the pertinent account texts listed in Part 1201, Subpart A, except to the extent such descriptions are modified in Parts 1121 or 1125.

930 Publication of data.

(a) *General.* The railroad shall file on or before June 30 of each year a report listing account by account totals of the aggregate revenue, cost, and service unit data for all branch lines for which it must maintain a system of accounts. Only such data as is required by Parts 1121 or 1125 must be reported. The data shall be accumulated for the prior calendar year or portion thereof and reported in the format set forth in account 940. On-branch costs shall be separated into labor, materials, and other. Separate reports for each branch line are not required; however, the railroad shall list and describe each branch line using the format set forth in 49 CFR 1121.21.

(b) *Public Inspection.* The original report shall be filed with and made available for public inspection at the Commission's offices in Washington, D.C.; copies of the report shall be filed with and made available for public inspection at field offices in the state or states in which the branch lines are situated.

(c) *Access to records.* The records, accounts, working papers, and other documents reflecting the revenues, cost, and service unit data of each branch line for which the railroad must maintain data shall be made available for inspection and examination by the Commission and, for lines situated within its state, by the designated state agency at a time and place mutually agreeable to the parties. The railroad shall also reproduce such records for the designated state agency, provided the agency pays the reasonable cost thereof.

940 Chart of Accounts and Annual Branch Line Report.

(a) *Attributable Revenues.*

		Amount
[1] 101	Freight	
[2] 106	Mail	
[2] 107	Express	
110	Switching	
113	Water transfers	
133	Station, train and boat privileges	
135	Storage; freight	
137	Demurrage	
138	Communication	
139	Grain elevators	
141	Power	
142	Rents of buildings and other property	
143	Miscellaneous	
151	Joint facility—Cr.	
152	Joint facility—Dr.	
	Subsidy payments	
	Total attributable revenues	

[1] Denotes variance in the content or organization of pt. 1201—subpt. A.
[2] Apportioned as prescribed by pts. 1121 or 1125 of subch. B.

(b) Avoidable costs.

(1) On-Branch Avoidable Costs.

		Labor	Materials	Other
	Maintenance of way and structures:			
201	Superintendence			
202	Roadway maintenance			
206	Tunnels and subways			
208	Bridges, trestles, and culverts			
210	Elevated structures			
212	Ties			
214	Rails			
216	Other track materials			
218	Ballast			
220	Track laying and surfacing			
221	Fences, snowsheds, and signs			
227	Station and office buildings			
229	Roadway buildings			
231	Water stations			
233	Fuels stations			
235	Shops and enginehouses			
237	Grain elevators			
239	Storage warehouses			
241	Wharves and docks			
243	Coal and ore wharves			
244	TOFC/COFC terminals			
247	Communication systems			
249	Signals and interlocks			
253	Power plants			
257	Power—Transmission systems			
265	Miscellaneous structures			
266	Road property—Depreciation			
269	Roadway machines			
271	Small tools and supplies			
272	Removing snow, ice, and sand			
273	Public improvements—Maintenance			
274	Injuries to persons			
275	Insurance			
276	Stationery and printing			
278	Maintenance joint tracks and other facilities—Dr			
279	Maintenance joint tracks and other facilities—Cr			
281	Right-of-way expenses			
282	Other expenses			
	Total, maintenance of way and structures			

		Labor	Materials	Other
	Maintenance of equipment:			
301	Superintendence			
302	Shop machinery			
304	Power—Plant machinery			
305	Shop and power—Plant machinery; depreciation			
[2] 311	Locomotives—Repairs			
01	Locomotives road diesel; repairs			
02	Locomotives road other; repairs			
03	Locomotives yard diesel; repairs			
04	Locomotives yard other; repairs			
318	Highway revenue equipment; repairs			
323	Floating equipment; repairs			
326	Work equipment; repairs			
328	Miscellaneous equipment; repairs			
329	Dismantling retired equipment			
330	Retirements; equipment			
[1] [2] 331	Equipment; depreciation			
332	Injuries to persons			
333	Insurance			
334	Stationery and printing			
336	Joint maintenance of equipment expenses—Dr			
337	Joint maintenance of equipment expenses—Cr			
339	Other expenses			
	Total, maintenance of equipment			
	Traffic expenses:			
351	Superintendence			
352	Outside agencies			
353	Advertising			
354	Traffic associations			
355	Fast freight lines			
356	Industrial and immigration bureaus			
357	Insurance			
358	Stationery and printing			
360	Other expenses			
	Total, traffic expenses			
	Transportation expense accounts:			
371	Superintendence			
372	Dispatching trains			
373	Station employees			
374	Weighing, inspection, and demurrage bureaus			
375	Coal and ore wharves			
376	Station supplies and expenses			
377	Yard masters and yard clerks			
378	Yard conductors and brakemen			
379	Yard switch and signal tenders			
380	Yard enginemen			
[2] 382	Yard switching fuel			
[2] 383	Yard switching power produced			
[2] 384	Yard switching power purchased			
[2] 388	Servicing yard locomotives			
389	Yard supplies and expenses			
390	Operating joint yards and terminals—Dr			
391	Operating joint yards and terminals—Cr			
392	Train enginemen			
[2] 394	Train fuel			
[2] 395	Train power produced			
[2] 396	Train power purchased			
[2] 400	Servicing train locomotives			
401	Trainmen			
[1] [2] 402	Train supplies and expenses			
404	Signal and interlocker operation			
405	Crossing protection			
406	Drawbridge operation			
[1] 407	Communication system operation			
[1] 408	Operating floating equipment			
410	Stationery and printing			
411	Other expenses			
412	Operating joint tracks and facilities—Dr			
413	Operating joint tracks and facilities—Cr			
[1] 414	Insurance			
415	Clearing wrecks			
416	Damage to property			
417	Damage to livestock on right-of-way			
418	Loss and damage; freight			
420	Injuries to persons			
421	TOFC/COFC terminals			
422	Other highway transportation expenses			
	Total, transportation expenses			

See footnotes at end of table.

		Labor	Materials	Other
	Miscellaneous operations expenses:			
443	Grain elevators			
445	Producing power sold			
446	Other miscellaneous operation			
447	Operating joint miscellaneous facilities—Dr			
448	Operating joint miscellaneous facilities—Cr			
	Total, miscellaneous operations expenses			
	General operating expenses:			
451	Salaries and expenses of general officers			
452	Salaries and expenses of clerks and attendants			
453	General office supplies and expenses			
454	Law expenses			
455	Insurance			
457	Pensions			
458	Stationery and printing			
460	Other expenses			
461	General joint facilities—Dr			
462	General joint facilities—Cr			
	Total, general operating expenses			

[1] Denotes variance in the content or organization of pt 1201—subpt. A.
[2] Apportioned as prescribed by pts 1121 or 1125 of subch. B.

		Cost or (income)
	Income accounts (ordinary items):	
[1] 503	Hire of freight cars and highway revenue freight equipment—Credit balance	
504	Rent from locomotives	
506	Rent from floating equipment	
507	Rent from work equipment	
508	Joint facility rent income	
509	Income from lease of road and equipment	
[1] 532	Railway tax accruals	
[1] 536	Hire of freight cars and highway revenue freight equipment—Debit balance	
537	Rent for locomotives	
539	Rent for floating equipment	
540	Rent for work equipment	
541	Joint facility rents	
542	Rent for leased roads and equipment	
	Total, income accounts	

[1] Denotes variance in the content or organization of pt. 1201—subpt. A.

(2) Computed On-Branch and Off-Branch Costs.

		Amount
651	Locomotives return on investment	
652	Freight train car costs	
653	Fringe benefits	
654	Rehabilitation	
	Total, on-branch avoidable costs	

(3) Off-Branch Avoidable Costs.

		Amount
661	Terminal costs	
662	Freight train car costs	
663	Freight train gross ton-mile costs	
664	Deadheading, taxi and hotel costs	
01	Deadheading	
02	Taxi	
03	Hotel	
665	Overhead movement costs	
01	Crew	
02	Locomotive	
05	Freight train car mileage portion	
	Total, off-branch costs	

(4) All other avoidable costs.[2]

[2] Accounts 671–675 apply to Part 1121 only. Accounts 677 and 682 apply to Part 1125 only.

		Amount
671	Working capital	
672	Required capital expenditures	
673	Deferred maintenance	
674	Current cost of freight train cars, locomotives, and other equipment	
675	Foregone tax benefits	
676	Administrative costs	
677	Deferred subsidy payment costs	
678	Casualty expenses	
	Total, all other avoidable costs	
681	Reasonable return on the value of properties	
682	Management fee	
	Total of avoidable costs, reasonable return and management fee	

(c) Service units.

(1) On-Branch service units.

		Direct on-branch	Overhead movement
	Freight car accounts:		
821	Freight train car-miles (loaded and empty)		
823	Freight train car-days (loaded and empty)		
	Locomotive-mile accounts:		
813	Road locomotive unit miles		
841	Road diesel locomotive gross ton-miles		
842	Road electric locomotive gross ton-miles		
	Locomotive unit hour accounts:		
832	Road locomotive unit hours		
833	Road diesel locomotive unit hours		
834	Road electric locomotive unit hours		
835	Yard locomotive unit hours		
836	Yard diesel locomotive unit hours		
837	Yard electric locomotive unit hours		
	Rented or leased equipment:		
851	Freight train car-days		
852	Floating equipment car-days		
855	Locomotive days		
	Train hours:		
861	Train hours		

(2) Off-Branch service units.

		Total off-branch	Overhead movement	Net off-branch
	Car-Mile accounts:			
822	Freight train loaded car-miles by car type			
01	Box—General service unequipped			
02	Box—General service equipped			
03	Box special service			
04	Gondola—General service			
05	Gondola—Special service			
06	Hopper open—General service			
07	Hopper open—Special service			
08	Hopper covered			
09	Stock			
10	Flat—General service			
11	Flat—Special service			
12	Flat—TOFC			
13	Auto rack			
14	Refrigerator—Meat mechanical			
15	Refrigerator—Other mechanical			
16	Refrigerator—Meat nonmechanical			
17	Refrigerator—Other nonmechanical			
18	Tank 9,999 gallons and under			
19	Tank 10,000–18,999 gal			
20	Tank 19,000–21,999 gal			
21	Tank 22,000–27,999 gal			
22	Tank 28,000–31,999 gal			
23	Tank 32,000 gal and over			
24	All other			
	Ton-mile accounts:			
831	Revenue ton-miles			
	Total			

[FR Doc.76-32502 Filed 11-3-76;10:30 am]

federal register

FRIDAY, NOVEMBER 5, 1976



PART VII:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATION 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.

Connecticut:	
CT76–2111; CT76–2112	Sept. 17, 1976.
Idaho:	
ID76–5088	Sept. 24, 1976.
Iowa:	
IA76–4099; IA76–4145; IA-76–4146; IA76–4148; IA-76–4149.	Sept. 10, 1976.
IA76–4172	Oct. 15, 1976.
Kansas:	
KS75–4197	Dec. 5, 1976.
Kentucky:	
KY76–1110	Sept. 24, 1976.
Missouri:	
MO76–4176	Oct. 15, 1976.
Oregon:	
OR76–5057	June 25, 1976.
Pennsylvania:	
PA76–3247	Sept. 17, 1976.
Texas:	
TX76–4087	May 21, 1976.
Virginia:	
MD76–3225	July 30, 1976.
Washington:	
WA76–5079	Aug. 20, 1976.
Washington, D.C.:	
DC76–3226	July 30, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Michigan:	
MI76–2051 (MI76–2138)	Apr. 16, 1976.
Pennsylvania:	
PA76–3180 (PA76–3271)	June 11, 1976.
Rhode Island:	
RI76–2037 (RI76–2150)	Mar. 19, 1976.
Tennessee:	
TN76–1071 (TN76–1127)	June 11, 1976.
Utah:	
UT76–5082 (UT76–5097)	Sept. 10, 1976.

Signed at Washington, D.C., this 29th day of October 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. CT76-2111 - Mod #1
(41 FR 40378 - September 17, 1976)
Fairfield, Litchfield, New London, and Windham 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 (Bldg. Construction):					
Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Southport, Stratford, & Trumbull	$9.70	.65	.50		$50.00p/y
Fairfield Co.: New Canaan, Norwalk, Ridgefield, Weston, Westport, & Wilton	9.85	.65	.50	a	
Fairfield Co.: Greenwich	9.90	.50	.45		
Fairfield Co.: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, & Sherman; Litchfield Co.: Bridgewater, Kent, New Milford, & Roxbury	9.65	.65	.50		
New London Co.; Windham Co.	9.85	.65	.50		.01
Litchfield Co.: Plymouth, Thomaston, Watertown, & Woodbury	9.55	.65	.55		
Bricklayers (Heavy & Highway Construction):					
Fairfield Co., except Darien, Greenwich, & Stamford; Litchfield Co., west of Housatonic River	9.00	.65	.50	b	
Fairfield Co.: Darien & Stamford	9.08	.65	.25	b	
Fairfield Co.: Greenwich	9.09	.56	.45	b	
Litchfield Co., east of Housatonic River; New London Co. & Windham Co.	8.95	.65	.50	b	

DECISION NO. CT76-2111 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters; Millwrights; Pile-drivermen; & Soft floor layers (Bldg. construction):					
Litchfield Co.: Harwinton, Plymouth, & Terryville	$9.80	.70	.45		.05
New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington (North of Rte #184), Voluntown, & Waterford; Windham Co.: Canterbury (South of Rte #14), & Scotland	9.75	.70	.45		.03
Carpenters (Heavy & Highway Construction):					
Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.55	.70	.45	f	$50.00p/y
Fairfield Co.: Bethel, Brookfield, Danbury, Darien New Canaan, New Fairfield, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, & Wilton; & Litchfield Co.	9.55	.70	.45	f	.05
Fairfield Co.: Greenwich	9.60	.65	.45	f	.02
New London & Windham Cos.	9.55	.70	.45	f	.03
Electricians:					
New London Co.: E. Lyme, Groton, Lyme, New London, Old Lyme & Waterford	10.06	.90	1%+.40		
Litchfield Co.: Remainder of Co.	9.95	.82	1%+.60	g	1/8%
Glaziers:					
New London Co.; Windham Co.	11.41	.84	.55	k	

DECISION NO. CT76-2111 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Fairfield Co.: Bridgeport, Easton, Fairfield, Southport, Stratford, & Trumbull:					
Brush	$8.65	.50	.65	r	
Spray	10.65	.50	.65	r	
Taper	9.04	.50	.65	r	
Fairfield Co.: Darien & Stamford:					
Brush	8.00	.50	.50		.01
Spray	9.85	.50	.50		.01
Fairfield Co.: New Canaan, Norwalk, Weston, Westport, & Wilton:					
Brush	8.00	.50	.50		.01
Windham Co.: Willimantic & Windham:					
Brush; Tapers	9.80	.65	.45		
Paperhangers	10.30	.65	.45		
Riding steel, steamcleaning, Sandblasting, Tanks, Towers, & Hazardous work	10.38	.65	.45		
Spray	12.80	.65	.45		

Footnote:
a. 7 paid holidays: A through F, and Good Friday

DECISION NO. CT76-2112 - Mod. #1
(41 FR 40386 - September 17, 1976)

Hartford, Middlesex, New Haven and 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 (Bldg. Construction):					
Middlesex Co.	$9.85	.65	.50		.01
New Haven Co.: Bethany, Branford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, West Haven, Woodbridge, part of Milford, & parts of Cheshire	9.65	.65	.50		
Hartford Co.: Bristol, Marion, & Plainville; New Haven Co.: Beacon Falls, Middlebury, Mixville, Naugatuck, Prospect, Waterbury, & Wolcott	9.55	.65	.55		
New Haven Co.: Devon to the Orange Town line & the Indian River in Milford	9.70	.65	.50		$50.00p/y
Bricklayers (Heavy & Highway Construction):					
New Haven Co.: Milford Hartford Co.: Middlesex Co.; New Haven Co., except Milford; & Tolland Co.	9.00	.65	.50	b	
	8.95	.65	.50	b	
Carpenters; Millwrights; Pile-drivermen; & Soft floor layers (Bldg. construction):					
Hartford Co.: Avon, E. Granby, E. Hartland, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Rocky Hill, Simsbury, S. Windsor, Suffield, Thompsonville, Unionville, W. Hartford, Wethersfield, Windsor, Windsor Locks; Tolland Co.: Bolton, Ellington, Rockville, Somers, Stafford, Tolland, & Vernon	9.71	.70	.45		.05

DECISION NO. CT76-2112 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hartford Co.: Berlin, Bristol, Canton, E. Berlin, Kensington, Marion, Milldale, New Britain, Newington, Plainville, & Southington; Middlesex Co.; New Haven Co.: Meriden, & Wallingford	$9.80	.70	.45		.05
Carpenters (Heavy & Highway Construction):					
New Haven Co.: Ansonia, Derby, Milford, Orange (west of Orange Center Road & South of Rte #1 & West of the Oyster River), Oxford, & Seymour	9.55	.70	.45	f	$50.00p/y
Hartford Co.; Middlesex Co.; & New Haven Co.: Remainder of Co.; Tolland Co.: Bolton, Ellington, Somers, Stafford Tolland, & Vernon	9.55	.70	.45	f	.05
Tolland Co.: Andover, Columbia, Coventry, Hebron, Mansfield, Union, & Willington	9.55	.70	.45	f	.03
Electricians:					
Hartford Co.: Hartland; New Haven Co.; Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, & Wolcott	9.95	.82	1%+.60	h	1/8%
Middlesex Co.: Centerbrook, Chester, Clinton, Cobalt, Deep River, Durham, E. Hampton, Essex, Haddam, Higganum, Ivoryton, Middle Haddam, Moodus, Old Saybrook, Rockfall & Westbrook; New Haven Co.: Ansonia, Branford, Cheshire, Derby, Guilford, Madison, Meriden, New Haven, N. Branford, N. Haven, Northford, Orange, South Britain, & Wallingford	10.06	.90	1%+.40		

DECISION NO. CT76-2112 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers:					
Hartford Co.; Middlesex Co.; New Haven Co.: Wallingford; Tolland Co.,	$11.41	.84	.55	1	
Painters:					
New Haven Co.: Milford (up to Gulf Street):					
Brush	8.65	.50	.65	p	
Taping	9.04	.50	.65	p	
Spray	10.65	.50	.65	p	
Hartford Co.: Avon Bloomfield, Broad Brook, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, S. Windsor, Suffield, S. Manchester, W. Hartford, W. Simsbury, Wethersfield, Windsor, & Windsor Locks; Tolland Co.: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Rockville, Stafford, Somers Tolland, Union, Vernon, & Willington:					
Brush; Tapers	9.80	.65	.45		
Paperhangers	10.30	.65	.45		
Riding steel, Steamcleaning, Sandblasting, Tank, Towers, & Hazardous work	10.38	.65	.45		
Spray	12.80	.65	.45		

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID76-5088 - Mod. #3 (41 FR 42103 - September 24, 1976) Statewide Idaho					
Change:					
Roofers:					
Blaine County (south half), Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties:					
Roofers and Kettlemen	$6.90		.10		
DECISION #IA76-4099 - Mod. #4 (41 FR 24844 - June 18, 1976) Cerro Gordo County (City of Mason City), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Carpenters	$8.87		.20		.01
Millwrights; Piledrivermen	9.12		.20		.01
DECISION #IA76-4145 - Mod. #2 (41 FR 38711 - Sept.10, 1976) Clinton County (City of Clinton & Abutting Municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Millwrights	$11.00	6%	7%		.20
Sheet Metal Workers	10.10	.45	.40		.10
DECISION #IA76-4146 - Mod. #2 (41 FR 38713 - Sept.10, 1976) Des Moines County (City of Burlington & Abutting Municipalities & Burlington Ordnance Plant), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet Metal Workers	$9.85	.45	.40		.10

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4147 - Mod. #2 (41 FR 38716 - Sept.10, 1976) Dubuque County (City of Dubuque & Abutting Municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet Metal Workers	$9.95	.45	.40		.10
DECISION #IA76-4148 - Mod. #1 (41 FR 38719 - Sept.10, 1976) Johnson County (City of Iowa City & Abutting Municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Carpenters; Soft Floor Layers	$8.905	.45	.45		.02
Millwrights	9.305	.45	.45		.02
Piledrivermen	9.255	.45	.45		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4149 - Mod. #1					
(41 FR 38722 - Sept.10, 1976)					
Linn County, Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Carpenters	$8.905	.45	.45		.02
Millwrights	9.305	.45	.45		.02
Piledrivermen	9.255	.45	.45		.02
DECISION #IA76-4172 - Mod. #1					
(41 FR 45802 - Oct. 15, 1976)					
Scott County, Iowa					
Change:					
Building Construction:					
Carpenters:					
Millwrights	$11.00	6%	7%		.20
Sheet Metal Workers	10.10	.45	.40		.10
DECISION #75-4197 - Mod. #3					
(40 FR 57091 - December 5, 1975)					
Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Coud, 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 Washington County					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # KY76-1110 - Mod. #2					
(41 FR-42113 - September 24, 1976)					
Boyd County, Kentucky					
Change:					
Electricians:					
Electricians	10.37	.50	1%+.37	1.02	.04
Cable splicers	10.89	.50	1%+.37	1.02	.04
Line Construction:					
Linemen	10.48	.35	1%+.42	1.02	½ of 1%
Groundmen	8.38	.35	1%+.42	1.02	½ of 1%
Cable splicers	11.53	.35	1%+.42	1.02	½ of 1%
Add:					
Line Construction:					
Operators: All mechanical equipment	10.48	.35	1%+.42	1.02	½ of 1%
DECISION #MO76-4176 - Mod. #1					
(41 FR 45781 - October 15, 1976)					
Jasper, McDonald and Newton Counties, Missouri					
Change:					
Laborers:					
Group 1	6.00	.40	.40		.10
Group 2	6.25	.40	.40		.10
Group 3	6.30	.40	.40		.10
Group 4	6.35	.40	.40		.10

DECISION #OR76-5057 - Mod. #3
(41 FR 26520 - June 25, 1976)
Statewide Oregon

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
(All Counties except Malheur)					
Cable Splicers, Leadman Pole Sprayer	$11.95	.35	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	10.79	.35	1%	.10	1/2%
Tree Trimmer	9.74	.35	1%	.10	1/2%
Line Equipment Man	9.30	.35	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.12	.35	1%	.10	1/2%
Groundman, Tree Trimmer Helper	7.65	.35	1%	.10	1/2%

ZONE PAY

Each classification will receive the base rate plus: Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles radius from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below.

ZONE D - In excess of 50 miles

Base hourly rate will be paid to all men working out of employers' permanent shop.

OREGON		WASHINGTON	
Astoria	Portland	Bellingham	Spokane
Baker	Pendleton	Ellensburg	Tacoma
Burns	Salem	Ephrata	Walla Walla
Bend	Roseburg	Everett	Wenatchee
Eugene	The Dalles	Kennewick	Yakima
Klamath Falls	Umatilla	Longview	Wilbur
Lakeview	Corvallis	Olympia	Bellingham
Medford		Seattle	

DECISION #PA76-3247 - Mod. # 2
(41 FR 40409 - September 17, 1976)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boilermakers	$12.05	.75	1.00		.02
Electricians:					
Zone 6	12.20	4.4%	1%+2.6%		1.5%
Line Construction:					
Lineman	13.04	.35	1%		1%
Winch truck operator	9.11	.35	1%		1%
Groundman	7.80	.35	1%		1%
Add:					
Roofers:					
Residential Reroofers:					
Zone 1	8.27	.65	.50		

DECISION #TX76-4087 - Mod. #5
(41 FR 21151 - May 21, 1976)
El Paso County, Texas

Change:

Plumbers & steamfitters	$ 8.49	.43	.40		.05

Decision #MD76-3225 - Mod. # 4 (41 FR 32141 - July 30, 1976) Montgomery & Prince Georges Counties, Maryland; Arlington and Fairfax Counties, Virginia; the City of Alexandria, Virginia for Washington Metropolitan Area Transit Authority - Rapid Rail System Construction Projects Only.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Glaziers	$10.53	.61	.50		.05
Roofers:					
Composition	9.26	.47	.30		
Slate, tile, mopmen, waterproofers, sprayers, sprandrel & ironite	9.82	.47	.30		
Helpers	6.68	.47	.30		

Decision #DC76-3226 - Mod. # 5 (41 FR 32194 - July 30, 1976) Washington, D. C.					
Change:					
Glaziers	10.53	.61	.50		.05
Roofers:					
Composition	9.26	.47	.30		
Slate, tile, waterproofers, mopmen, sprayer, spandrel, and ironite	9.82	.47	.30		
Helpers	6.68	.47	.30		

DECISION NO. WA76-5079 - Mod. #2 (41 FR 35457 - August 20, 1976) Statewide Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Cable Splicers, Leadman Pole Sprayer	$11.95	.35	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	10.79	.35	1%	.10	1/2%
Tree Trimmer	9.74	.35	1%	.10	1/2%
Line Equipment Man	9.30	.35	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.12	.35	1%	.10	1/2%
Groundman, Tree Trimmer Helper	7.65	.35	1%	.10	1/2%

ZONE PAY

Each classification will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below.

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

WASHINGTON		OREGON		IDAHO
Spokane	Ellensburg	Astoria	Portland	Couer D'Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	Sand Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medford		

SUPERSEDEAS DECISION

State: Michigan
DECISION NO: MI76-2138
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. MI76-2051, dated April 16, 1976 in 41 FR 16396
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$10.77	1.24	1.13		
Remainder of Counties	8.92	.72	1.28		.02
BOILERMAKERS	10.90	.80	1.00	1.50	.03
BRICKLAYERS:					
Genesee, Lapeer & Shiawasee Cos.					
Bricklayers & Stonemasons	10.55	.50	1.00		
Marble-Tile-Terrazzo Workers	9.79	.50	1.00		
St. Clair & Sanilac Counties					
Bricklayers & Stonemasons	11.11	.90	.57		
Marble Setters	11.58	.50	.80		
Terrazzo Workers	10.80	.50	.80		
Tile Setters	11.17	.50	.80		
Remainder of Counties					
Bricklayers & Stonemasons	9.97	.60	.50		
Marble-Tile-Terrazzo Workers	9.55				
CARPENTERS:					
Sanilac (Except the West 5 miles) & St. Clair Counties:					
Carpenters & Piledrivermen	9.9166	.60	9%	11%	.02
Soft Floor Layers	9.45	.75	9%	8%	.03
Remainder of Counties & the West 5 Miles of Sanilac County:					
Carpenters & Piledrivermen	9.84	.60	.50		.01
Soft Floor Layers	8.88	.60	.50		.01
CEMENT MASONS:					
Lapeer County	9.20	.50	1.00		
Genesee & Shiawassee Counties	10.30	.90	.57		
Remainder of Counties					
Cement Masonry on sidewalks, curbs & gutters not related to highway, road and street construction	9.27	.60	.50		
ELECTRICIANS:					
Iosco County; Northern ½ of Co.:					
Contracts over $13,000	10.40	.40	1%+.15		1/10%
Contracts under $13,000	8.90	.40	1%+.15		1/10%
Bay Co; & Southern ½ of Iosco Co.	11.75	.40	1%+.30		
Genesee, Papeer & Shiawassee Cos.	11.24	.40	1%+.75		.02
Saginaw & Tuscola Counties	11.70		1%+.70		¼%
Remainder of Counties	11.34	1.75	1%+1.00		.06

DECISION NO. MI76-2138

ELEVATOR CONSTRUCTORS: St. Clair County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Constructors	$ 11.75	.545	.35	4%	.02
Helpers	70%JR	.545	.35	4%	.02
Helpers (Prob.)	70%JR				
Remainder of Counties:					
Constructors	10.42	.495	.32	4%	.02
Helpers	70%JR	.495	.32	4%	.02
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural & Ornamental	9.75	8%	14%	17%	.07
Reinforcing	9.06	.98	14%	15%	.03
Fence Erectors	8.75	8%	14%	17%	.07
LABORERS:					
Iosco County; Unskilled	6.15	.55	.35		.04
Mortar & Plaster Mixers, Sewer & Caisson Workers, Plasterer Tenders, Non-Metallic Pipe-Layers	6.30	.55	.35		.04
Cement Gun Nozzlemen, Blasters, Miners & Rock Drillers	6.75	.55	.35		.04
LATHERS	8.85	.64	.10	.50	.01
PAINTERS:					
Bay & Iosco Cos., Huron (West of M-53) Co., & theTownships of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta & Wisner in Tuscola County:					
Commercial	8.50	.42	.60		.02
Industrial	9.05	.42	.60		.02
Spray	9.35	.42	.60		.02
Saginaw Co., & the Remainder of Tuscola County:					
Brush	8.70		.35		.01
Spray	9.45		.35		.01
Genesee, Lapeer & Shiawassee Cos	8.35	.59	.49		.91
Huron, St. Clair & Sanilac Cos.:					
Commercial & Industrial					
Brush	10.71	.50	.50		.01
Open Steel & Spray	11.21	.50	.50		.01
PLASTERERS:					
Lapeer County	9.45	.50	1.00		
Bay, Huron, Iosco, Saginaw & Tuscola Counties	9.22	.50			
Genesee & Shiawasee Cos.	8.83	.40	.25		.03
St. Clair & Sanilac Counties	10.64	.90	.57		

DECISION NO. MI76-2138

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND STEAMFITTERS:					
Bay, Iosco Cos., N. ½ of Tuscola & the NW ¼ of Huron (running from Port Autin south to Sanilac County line	$ 11.44	.65	.50		
Genesee, Lapeer & Shiawasse Cos.	10.74	.80	1.00		
Saginaw & S. ½ of Tuscola (including Carco, Washjamerga and South to the Lapeer County Line Counties	9.83	.66	.85		.01
Remainder of Huron County; St. Clair & Sanilac Counties	9.47	1.75	1.10	1.25	.05
ROOFERS:					
Bay, Iosco, Saginaw 7 Tuscola	10.50	.75	.50		
Genesee, Lapeer & Shiawassee Cos.					
Composition	10.85	.60	.40		
Slate & Tile	11.20	.60	.40		
St. Clair, Sanilac & Huron Cos.	7.55				
SHEET METAL WORKERS:					
Bay, Iosco, Huron, Saginaw & Tuscola Counties	9.69	.40	.75		
Genesee, Lapeer & Shiawasee Cos.	9.09	.69	1.10	1.00	
St. Clair & Sanilac Counties	9.73	1.50	.91	1.07	.11
SPRINKLER FITTERS	11.67	.60	.90		.08
TRUCK DRIVERS:					
Bay, Iosco, Saginaw & Tuscola					
Under 8 cubic yards	7.07	a22.00	a22.00	.26	
8 cubic yards & over	7.17	a22.00	a22.00	.26	
Euclid Type Equipment	7.37	a22.00	a22.00	.26	
Genesee, Lapeer & Shiawassee	8.08	a17.00	a22.00		
Huron, St. Clair & Sanilac					
Pole Trailers, Low Boys Straddle Carriers, Double Bottoms & Special Load Permit Drivers	8.25	a19.00	a22.00		
Semi Drivers	8.05	a19.00	a22.00		
All Other Truck Drivers	7.92	a19.00	a22.00		

FOOTNOTE: a-Per Week Per Employee

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MI76-2138

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bay, Huron, Saginaw & Tuscola Counties					
CLASS A	$ 7.54	.55	.35		.04
CLASS B	7.66	.55	.35		.04
CLASS C	7.74	.55	.35		.04
CLASS D	8.31	.55	.35		.04
Genesee, Lapeer & Shiawassee Cos:					
CLASS A	7.99	.55	.40		.04
CLASS B	8.09	.55	.40		.04
CLASS C	8.19	.55	.40		.04
CLASS D	8.29	.55	.40		.04
CLASS E	8.54	.44	.40		.04
St. Clair & Sanilac Counties:					
GROUP 1	9.00	.55	.35		.04
GROUP 2	9.12	.55	.35		.04
GROUP 3	9.14	.55	.35		.04
GROUP 4	9.17	.55	.35		.04
GROUP 5	9.35	.55	.35		.04
GROUP 6	9.25	.55	.35		.04
GROUP 7	8.93	.55	.35		.04

LABORERS:

Bay, Huron, Saginaw & Tuscola Counties

CLASS A - All Construction Laborers on Building & Heavy Construction not specified in Classes B,C, & D, below; Also includes pumps with a 3" or less discharge and not hooked up in a battersy; Mechanized Buggy Operator and Mortar Mixer when done by hand.

CLASS B - Mechanized Mortar Mixers; Air, electric and gas driven tools; Vibrators

CLASS C - Air or Electric driven pavement Breakers; Plasterers Tenders; Plaster Mixers; Crock and/or Pipelayer; Signal Men & Top Man; Windlass and Tugger Operator; Caisson Worker.

CLASS D - Drillers & Plasters; Burners

DECISION NO. MI76-2138

LABORERS (CONT'D

Genesee, Lapeer & Shiawassee Counties

CLASS A - Construction Laborers not specified inClasses B & E below
CLASS B - Mortar Mixer (includes concrete mixer ½ cu. yds. or smaller); Signal Men & Top Men (on caisson work; Air, Gasoline or Electric Tools Operaors.
CLASS C - Jackhammer & Air Spade; Tunnel Men; Windlass Operators (on caisson work); Burner
CLASS D - Crock or Pipe Layers; Conduit and any Virtified Tile except 4" drain tile around Building; Caisson Workers & Tunnel Muckers
CLASS E - Tunnel Miners

St. Clair & Sanilac Counties

GROUP 1 - General Laborers; Mason Tenders; All Demolition Laborers
GROUP 2 - Mortar Mixers (Hand or Machine)
GROUP 3 - Air, Electric & Gas Tool Operators
GROUP 4 - Crete Gas Buggies; Concrete Saw Operators
GROUP 5 - Signal Men & Top Men on Caisson Construction
GROUP 6 - Tunnel Men; Concrete Shovelers; Car Pushers; Windlass & Tugger Operators on Caisson Work
GROUP 7 - Crock or Pipe Layers; Caisson Workers & Muckers

DECISION NO MI76-2138

LC-ZONE I

LINE CONSTRUCTION HURON, LAPEER, ST. CLAIR, SANILAC & TUSCOLA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$ 12.01	1.00	7%		½%
Cable Splicer	12.53	1.00	7%		½%
Combination Equipment Operator & Groundman	9.68	1.00	7%		½%
Combination Driver-Groundman	9.13	1.00	7%		½%
Groundman	8.42	1.00	7%		½%

LC-ZONE II

LINE CONSTRUCTION: ZONE II BAY, IOSCO, GENESEE, SAGINAW & SHIAWASSEE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 9.45	.35	1%	a	.5%
Cable Splicer	9.84	.35	1%	a	.5%
Combination Digger operator; Tractor operator Groudman;					
1st 6 Months	6.87	.35	1%	a	.5%
Over 6 Months	7.41	.35	1%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.98	.35	1%	a	.5%
Over 6 Months	6.51	.35	1%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.45	.35	1%	a	.5%
Over 6 Months	6.22	.35	1%	a	.5%
Combination Truck Driver Groundman	5.27	.35	1%	a	.5%

FOOTNOTES:

7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION NO MI76-2138

MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS:
BUILDING & HEAVY CONSTRUCTION
ST. CLAIR COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$10.7485	.55	.75	10%	.05
CLASS B	10.5212	.55	.75	10%	.05
CLASS C	10.2939	.55	.75	10%	.05
CLASS D	10.0667	.55	.75	10%	.05
CLASS E	9.1498	.55	.75	10%	.05
CLASS F	8.5258	.55	.75	10%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Regular Crane Operator
CLASS D - Regular Engineer
CLASS E - Engineer when operating Compressor (or welding machine)
CLASS F - Fireman or oiler

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS:
STEEL ERECTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer
Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

DECISION NO MI76-2138

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES
BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.35	.80	.85	10%	.05
CLASS B	11.10	.80	.85	10%	.05
CLASS C	10.85	.80	.85	10%	.05
CLASS D	10.40	.80	.85	10%	.05
CLASS E	10.20	.80	.85	10%	.05
CLASS F	9.10	.80	.85	10%	.05
CLASS G	8.40	.80	.85	10%	

CLASSIFICATIONS

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Opr., Sweeping Machine, Winch Truck, Bob Cat & similar type equipment, Fork Truck (over 20' Lift)

CLASS E - Pump 6" or over, Well Points, Freeze Systems, Boom Truck(Non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Fireman & Heater Operator

DECISION NO MI76-2138 MICH-9-PEO-U Z-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION IOSCO COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.92	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or lerger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" cischarge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

DECISION NO MI76-2138 MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.27	.60	.85	10%	.05
CLASS II	9.15	.60	.85	10%	.05
CLASS III	8.48	.60	.85	10%	.05
CLASS IV	7.96	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), scraper self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), endloader 1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" duscharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or fromt endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more-300 amp or larfer - gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day - gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 h.p. or over)

SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Luzerne
DECISION NO.: PA76-3271
DATE: Date of Publication
Supersedeas Decision No. PA76-3180, dated June 11, 1976 in 41 FR 23922.
DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Asbestos Workers	$ 9.55	.65	.60		.01
Boilermakers	12.05	.75	1.00		.02
Bricklayers and Stonemasons:					
Hazleton, Berwick & Freeland:					
Commercial	9.70	.35	.50		
Nescopeek, Hollenback & Salem Twps.	9.35	.40	.50		
Remainder of County	10.30	.50	.50		
Carpenters:					
Hazleton, Freeland, Black Creek, Butler, Dennison, Foster, Hazle, Hollenback, Nescopeck, Sugarloaf and lower part of Salem Twps.	9.50	.35	.40		.03
Reminder of County	10.01	.35	.40		.03
Cement Masons:					
Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	9.15	.40	.40		
Hazleton and Freeland	8.075				
Reminder of County	10.50				
Electricians:					
Hazleton:					
Commercial	10.37	.55	1%+.25	a	b
Reminder of County	10.29	.30	1%+.65		
Elevator Constructors	10.595	.545	.35	4%+c+d	.02
Elevator Constructors' Helpers	7.42	.545	.35	4%+c+d	.02
Elevator Constructors' Helpers (Prob.)	5.30				
Glaziers	9.15	.40	.60		
Ironworkers:					
Structural and Ornamental	11.25	e			.10
Reinforcing	11.15	e			.10
Laborers					
Hazleton:	7.11	.25	.55		
Mason Tenders including Scaffold Builders	7.51	.25	.55		
Pneumatic, electrical & mechanical tool operators, 2" pumps-non metallic pipelaying and making joint clay, terra cotta, ironstone vitrified					

DECISION NO. PA76-3271

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Laborers: (Cont'd)					
concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	$ 7.21	.25	.55		
Plasterers tenderd, blasters, and wagon drill operators	7.36	.25	.55		
Remainder of County:					
Unskilled laborers	8.27	.25	.65		
Semi skilled laborers, pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	8.47	.25	.65		
Plasterers tenders, blaster, wagon drill ops.	8.59	.25	.65		
Mason tenders & scaffold builders	8.67	.25	.65		
Lathers:					
Pittston, Avoca, Dupont & Duryea	10.04		.10		.01
Remainder of County	10.58		.25		.01
Leadburners	9.25	.35		f	.01
Line Construction:					
Linemen, Dynamiteman, Heavy equipment operator	10.00	.20	1%		3/8 of 1%
Groundman	6.80	.20	1%		3/8 of 1%
Winch truck driver	7.10	.20	1%		3/8 of 1%
Marble Setters:					
Pittston	8.15	.20			
Hazleton	7.80	.35	.50		
Remainder of County	8.82				

DECISION NO. PA76-3271

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Millwrights	$10.61	.35	.40		.03
Painters:					
Pittston:					
Brush & Roller	8.10		1.00		
Structural Steel	9.10		1.00		
Remainder of County:					
Brush	8.65	.40	.30		.05
Tapers	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
Piledrivermen	10.42	1.88	1.30	g	.12
Plasterers:					
Hazleton	9.08				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	10.30	.50	.50		
Remainder of County	9.83				
Plumbers & Steamfitters:					
Pittston	10.75	.39	.75		.04
Hazleton	9.35	.30	.25		
Wilkes Barre	10.74	.40	.75		.04
Power Equipment Operators					
GROUP 1	11.60	5.5%	9.5%	k	1.2%
GROUP 2	11.31	5.5%	9.5%	k	1.2%
GROUP 3	10.44	5.5%	9.5%	k	1.2%
GROUP 4	9.67	5.5%	9.5%	k	1.2%
GROUP 5	9.20	5.5%	9.5%	k	1.2%
GROUP 6	8.29	5.5%	9.5%	k	1.2%
GROUP 7	11.85	5.5%	9.5%	k	1.2%
GROUP 7-A	12.10	5.5%	9.5%	k	1.2%
GROUP 7-B	12.34	5.5%	9.5%	k	1.2%

DECISION No. PA76-3271

POWER EQUIPMENT OPERATORS DEFINITIONS CLASSIFICATIONS

GROUP 1 - Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3 - Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operators forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4 - Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5 - Fireman, grease truck

GROUP 6 - Oilers and deck hands (personnel boats), core frill helper

GROUP 7 - All machines with booms (including jib, masts, leads, etc.): .100 ft. and over

GROUP 7-A - 150 ft. and over

GROUP 7-B - 200 ft. and over

DECISION NO. PA76-3271

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers, composition & kettlemen	$ 9.20	.75	.70		
Sheet Metal Workers	10.08	.50	.50		.02
Soft Floor Layers	8.63	.35	.40		.03
Sprinkler Fitters	11.61	.60	.90		.08
Truck Drivers:					
Pittston:					
Truck Drivers:					
Class I					
Helper, stake body truck (single axle dumpster)	7.92				
Class II					
Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	7.99				
Class III					
Euclids type, Off-Highway Equipment - back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	8.48				
Remainder of County:					
Pickups service dump and flat incl. z license	8.07	h	j		
All trucks over z license	8.12	h	j		
Fork lifts, tow motors, front and pneumatic tired loaders	8.08	h	j		
Welder receive rate for craft.					

DECISION NO. PA76-3271

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: C and D.

b. Employer shall contributes .12 per day per employee.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Paid Holidays: A through F.

e. Employer contributes $2.05 per hour to health and welfare and pension fund.

f. Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

g. Paid holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

h. $41.00 per month for employees who have worked 60 hours or more during the month.

j. $25.00 per month to employees employed for over 13 weeks.

k. Paid Holidays: A thru F provided the employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTIES: Bristol, Kent & Providence

DECISION NUMBER: RI76-2150 DATE: Date of Publication

Supersedes Decision Number RI76-2037, dated March 19, 1976 in 41 FR 11771.

DESCRIPTION OF WORK: Building Construction (including Residential in Providence County), Heavy, Highway, and Marine Construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.92	.76	.93		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS; Cement Masons and Stonemasons:					
Ashton, Berkley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket, and Valley Falls	10.15	.50	.50		.01
BRICKLAYERS; Cement Masons Plasterers, Stonemasons, Marble, Tile & Terrazzo workers:					
Woonsocket, N. Smithfield Burriville & Cumberland Hill	9.05	.40	.40		.01
Bristol and Kent Counties and Remainder of Providence County:					
Bricklayers and stonemasons	9.55	.95	1.00		.01
Cement masons	9.50	.90	.45		
Marble, Tile and Terrazzo Workers	9.65	.95	.65		
Plasterers	8.70	.90	.45		
CARPENTERS: Soft Floor Layers & Piledrivermen	9.40	.65	.90		.05
Millwrights	9.65	.65	.90		.05
Residential	7.52	.65	.90		.05
ELECTRICIANS:					
Building	9.40	.48	1%+1.40		.02
Residential, up to and including 3 stories	6.75	.38	1%		.02
ELEVATOR CONSTRUCTORS:					
Constructors	9.70	.495	.32	4%+a+b	.02
Helpers	6.79	.495	.32	4%+a+b	.02
Helpers (Prob.)	4.85	.495	.32	4%+a+b	.02
GLAZIERS	8.88	.52	.85		.01
IRONWORKERS	9.43	.70	1.50		.05

DECISION NO. RI76-2150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Laborers, Building:					
Laborers, carpenter tenders, cement finisher tender, mason tenders and wrecking laborers	7.50	.60	.70		.10
Asphalt rakers, adzemen, pipe trench bracers, demolition burners, chain saw ops. fence and guard rail erectors, setters of metal forms for roadways, mortar mixers, pipelayers, rip-rap & dry stonewall builders, highway stone spreaders, pneumatic tools ops., wagon drill ops., tree trimmers, barco-type jumping tampers anical grinder operators,	7.75	.60	.70		.10
Air track ops., block pavers, rammers, and curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10
LATHERS	9.25	.45	.55		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
MARBLE, TILE & TERRAZZO WORKERS' HELPERS	8.00		1.00		
PAINTERS:					
Brush, Roller and Taper	9.05	.55	.90		
Structural Steel	9.30	.55	.90		
Spray and sand or water blasting	10.05	.55	.90		
Air power brush	9.55	.55	.90		

DECISION NO. RI76-2150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS	$ 10.16	.86	1.19		.07
ROOFERS:					
Composition, waterproofers	9.60	.45	.25		
Slate, tile and precast concrete	9.80	.45	.25		
Helpers Class A	8.75	.45	.25		
Helpers Class B	8.25	.45	.25		
SHEET METAL WORKERS	9.53	.66	.75		.04
SPRINKLER FITTERS	10.56	.60	.90		.01
STEAMFITTERS, PIPEFITTERS	10.35	.83	1.03		.07
TRUCK DRIVERS: Building					
2-Axle; dumps	7.35	.48	.5125		
Low beds, trailers (24 tons & over), trailers (I-Beam), specialized earth moving rquipment (Euclid-type)	7.68	.48	.5125		
Euclid type equipment over 35 ton capacity	7.93	.48	.5125		
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. RI76-2150

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid holidays; A through F, Columbus Day providing employee has been employed 5 working days prior to the Holiday and provided the employee worked the scheduled work days immediately preceding and followin the holiday.

DECISION NO. RI76-2150

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, stonemasons	$ 9.55	.95	1.00		.01
Carpenters, piledrivers	9.41	.65	.90		.05
Cement masons & finishers	8.00	.50	.35		
Electricians	9.40	.48	1%+1.40		.02
Ironworkers	9.43	.70	1.50		.05
Laborers:					
Laborers	7.50	.60	.70		.10
Adzemen, asphalt tkers, barco type jumping tampers, chain saw op., concrete saw ops., demolition burners, fence and guard rail erectors, grinder op., mortar mixers, pipelayers, pipe trench bracers pneumatic tools ops. riprap and dry stonewall builders, setters of metal forms for roadways, stumper ops., tree toppers, tree trimmers, wagon drill op., wood chipper ops., concrete and power buggy ops.	7.75	.60	.70		.10
Air track ops., paver, rammers, and curb setters	8.00	.60	.70		.10
Blasters and powdermen	8.25	.60	.70		.10
Line Construction:					
Linemen	9.36	.30	1%	a	
Equipment Operator	7.77	.30	1%	a	
Groundman	6.33	.30	1%	a	
Driver Groundman	7.37	.30	1%	a	
Painters:					
Brush, roller and taper	9.05	.55	.90		
Structural steel, stem cleaning	9.30	.55	.90		
Spray and pot man	10.05	.55	.90		
Air power brush	9.55	.55	.90		
Sign Painters	6.24	.15+.32	.20	.24	
Plumbers	10.16	.86	1.19		.07
Welders receive rate prescribed for craft performing operation to which welding is indicental.					

DECISION NO. RI67-2150

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

DECISION NO. RI76-2150

RI-1-PEO-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$10.25	.70	.95		.10
Economobile type equipment	10.025	.70	.95		.10
Fork lift	9.825	.70	.95		.10
Firemen and Oilers	8.275	.70	.95		.10
Bulldozers, graders, spreaders, tractors, scrapers, rollers, and front-end loaders less than 3 yds.	8.825	.70	.95		.10
Pippin type backhoes	9.175	.70	.95		.10
Maintenance Engineers	8.775	.70	.95		.10
Well-point Installation	8.90	.70	.95		.10
Gas or electric driven pumps, heater, concrete mixer, stone crushers, air compressors, welding machines and generators for light plants	8.825	.70	.95		.10

RI-1-PEO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE PIERS, SUB-BASEMENT SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machines, cranes, pile, lighters, locomotives, derricks, hoists, pavers, and front end loaders, 3 yds. and over	10.975	.70	.95		.10
Firemen and Oilers	8.85	.70	.95		.10
Bulldozers, graders, spreaders, scrapers, rollers, and front-end loaders, less than 3 yds.	9.525	.70	.95		.10
Maintenance Engineers	9.675	.70	.95		.10
Well-point Installation Crews	9.70	.70	.95		.10
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators, for light plants	9.275	.70	.95		.10
Boat and Tug Operators	10.60	.70	.95		.10
Deckhands	9.00	.70	.95		.10

DECISIN NO. RI76-2150

R . I. 1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 10.07	.70	.95		.10
CLASS II	9.22	.70	.95		.10
CLASS III	8.60	.70	.95		.10
CLASS IV	7.60	.70	.95		.10
CLASS V	8.55	.70	.95		.10
CLASS VI	8.67	.70	.95		.10
CLASS VII	8.65	.70	.95		.10
CLASS VIII	8.30	.70	.95		.10
CLASS IX	8.42	.70	.95		.10
CLASS X	7.45	.70	.95		.10
CLASS XI	6.90	.70	.95		.10
CLASS XII	8.50	.70	.95		.10
CLASS XIII	10.57	.70	.95		.10
CLASS XIV	10.82	.70	.95		.10

CLASS I - Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists pavers, front end loaders 3 to 4 Yds. economobile, ross carriers
CLASS II - Fork lifts
CLASS III - Firemen
CLASS IV - Oilers
CLASS V - Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
CLASS VI - Scrapers, graders, dozer pusher operator
CLASS VII - Pippin type backhoe operator
CLASS VIII - Maintenance engineer
CLASS IX - Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
CLASS X - Test boring machine operator
CLASS XI - Test boring machine assistant
CLASS XII - Well point installation crews
CLASS XIII - Operators of truck cranes with booms of 130 to 150 fee, operators of cat cranes with booms of 150 to 180 feet
CLASS XIV - Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

DECISION NO. RI76-2150

RHODE ISLAND -1-TD-2-3-L

HEAVY & HGIHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.12	.6175	.65	a+b	
CLASS II	7.27	.6175	.65	a+b	
CLASS III	7.32	.6175	.65	a+b	
CLASS IV	7.42	.6175	.65	a+b	
CLASS V	7.52	.6175	.65	a+b	
CLASS VI	7.77	.6175	.65	a+b	
CLASS VII	8.02	.6175	.65	a+b	

CLASS I - Pick-up trucks, station Wagons and Panel Trucks
CLASS II - Two Axle, Helpers on Low Beds
CLASS III - Three Axle equipment and ready mix equipment
CLASS IV - Four and Five Axle equipment
CLASS V - Low Bed Trailers, Special earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
CLASS VI - Special earth moving equipment over 35 tons
CLASS VII - Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F; Washington's Brithday, Columbus Day, Veteran's Day; V-J Day, providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.

STATE: Tennessee COUNTY: Hamilton
DECISION NO.: TN76-1127 DATE: Date of Publication
Supersedes Decision No.: TN76-1071 dated June 11, 1976, in 41 FR-23927
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	8.80	.60	1.00		.02
Bricklayers: Concrete block layers, Marble setters, Stonemasons, Terrazzo workers, tile setters	9.25	.35	.30		
Carpenters:					
Carpenters, soft floor layers	8.18	.40	.35		.03
Piledrivermen	8.305	.40	.35		.03
Millwrights	8.63	.40	.35		.03
Cement masons:					
Cement masons	8.10				
Power machine operator, Swinging scaffold & bos'n chair	8.30				
Electricians:					
Electricians	8.75	.60	1%+.40		1%
Cable splicers	9.00	.60	1%+.40		1%
Elevator constructors	9.095	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.83			c	
Ironworkers	8.61	.40	.35		1%
Lathers	8.35				.01
Leadburners	10.25	.35		d	.01
Painters:					
Commercial	7.50		.25		
Industrial	7.75		.25		
Sandblasting	8.00		.25		
Plasterers	8.45				
Plumbers, steamfitters	9.20	.35	.40	.20+f	.08
Roofers:					
Composition, damp & waterproofers	8.20		.10		
Slate and tile	8.40		.10		
Kettlemen	7.80		.10		
Sheet metal workers	9.34	.47	.50		.04
Sprinkler fitters	10.10	.60	.90		.08
Truck Drivers:					
Up to 3 tons	6.21	g	e		
3 to 5 tons	6.36	g	e		
5 to 7 tons	6.51	g	e		

TN76-1127 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Cont'd)					
Helpers and warehousemen	6.16	g	e		
Special equipment	6.71	g	e		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $19.00 per week for each employee.

f. Paid Holiday D provided employee has been on payroll for (2) two weeks prior to the holiday and works the regular scheduled work days immediately preceding & following the holiday.

g. $15.00 per week for each employee.

TN76-1127 - (Cont'd)

BUILDING & HEAVY CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.80	.20	.20		
GROUP B	5.90	.20	.20		
GROUP C	6.00	.20	.20		
GROUP D	6.10	.20	.20		
GROUP E	6.15	.20	.20		
GROUP F	6.45	.20	.20		
GROUP G	6.50	.20	.20		
GROUP H	6.20	.20	.20		
GROUP I	6.35	.20	.20		
GROUP J	6.35	.20	.20		
GROUP K	6.60	.20	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work.

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer, operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machines

TN76-1127 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.95	.30	.25		
GROUP B	7.15	.30	.25		
GROUP C	6.55	.30	.25		
GROUP D	6.25	.30	.25		

GROUP A: Backhoes, cableways, ross carrier, clamshells, cranes, derricks, draglines, turnapulls, pans, scrapers, scoops, etc., head tower machines, endloaders, locomotives (over 20 tons), shovel, dozers, fork-lifts with over 8' lift, core drills, foundation drills, graders, mechanics, welders, winch truck with A-Frame, skimmer scoops, locomotive cranes, overhead cranes, skid rigs, pile drivers, side boom tractors, euclid loaders, derrick boat, dredge boats, hoist (any size handling steel or stone), engines used in connection with hoist material with an attached device on tower or engine, mucking-machines, hi-lifts or end loaders, finish graders on bluetop, trenching machines, cherrypickers, tower crane, skylift, gradall

GROUP B: Tractors, farm type tractors with attachments, central compressor plants, elevators used for hoisting building materials, central mixing plants, hoist, pump crete machine, concrete pumps, backfillers, (other than cranes), tracmobile, crushing plant operators, elevating graders, earth augers, forklifts, paving machines (Blacktop), paving machines (concrete), boat operator or engineer (30 tons or over), blacktop rollers, switchman, locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, engine tender other than steam, mixers (over 2 bags, not to include central plants), pumps (2 not more than 3), scarifiers, spreader box (bituminous), asphalt mixers, portable compressors (2 not more than 3), rollers, sub-grader machine, tractors (farm type without attachments), cable head tower engineman, dredge booster pump operator, boat operator or engineers (under 30 tons), finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationary or portable (to 5), compressors (portable, 2 not more than 3), greaser or fuel trucks.

GROUP D: Air compressor (1 portable), fireman, portable crushers, welding machine (1), conveyors, pumps (1), oiler, heater(1).

SUPERSEDEAS DECISION

STATE: Utah
COUNTIES: Statewide
DECISION NUMBER: UT76-5097
DATE: Date of Publication
Supersedes Decision No. UT76-5082 dated September 10, 1976, in 41 FR 38740
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.99	.52	$ 1.02		
BOILERMAKERS	10.65	.75	1.00	.50	.02
BRICKLAYERS	10.21	.45	.32+.10		.07
CARPENTERS:					
Carpenters	9.00	.50	.60	.25	.03
Saw Operators; Carpenters handling creosote materials	9.25	.50	.60	.25	.03
Millwrights	9.50	.50	.60	.25	.03
CEMENT MASONS:					
Cement Masons	8.76	.50	.60	.25	
Machine Operator; Mastic Floor Materials; Swing Scaffold; Swing Stage	8.885	.50	.60	.25	
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	9.54	.51	.30		.03
ELECTRICIANS:					
North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties:					
Zone 1: Cache, Davis County (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 Co.:					
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.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
South section of Utah (Remaining Counties):					
Zone 1: Davis County, south of 41st Parallel; Salt Lake County; Utah County (north of 40st 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 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, thence 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%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
South section of Utah (Remaining Counties): (Cont'd)					
Zone 1: (Cont'd)					
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%
ELEVATOR CONSTRUCTORS	10.03	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.02	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.015				
GLAZIERS	10.02	.51	.20	b	
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Structural	10.05	.55	1.00		.10
LATHERS	8.88	.50	.50		.01
LINE CONSTRUCTION WORKERS:					
Groundman	7.19	.35	1%		3/4%
Line Equipment Serviceman	8.56	.35	1%		3/4%
Line Equipment Mechanic:					
Base Shop	8.56	.35	1%		3/4%
Right-of-way	9.14	.35	1%		3/4%
Line Equipment Operators	8.70	.35	1%		3/4%
Linemen	9.65	.35	1%		3/4%
Cable Splicers	10.61	.35	1%		3/4%
MARBLE SETTERS	9.40	.20			
PAINTERS:					
Area north of the 41st Parallel:					
Brush; Roller	8.19	.51	.50		.03
Spray; Sandblaster; Steeplejack	8.44	.51	.50		.03
Spray (swing stage); Sandblaster (swing stage)	8.64	.51	.50		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Remaining part of State:					
Brush; Roller	$ 8.57	.21	.18		.02
Brush (swing stage); Brush (steel and bridge); Spray, Sandblaster; Steeplejack	8.87	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	9.12	.21	.18		.02
Wallcovering hanger	8.82	.21	.18		.02
PILEDRIVERMEN:					
Bridge, wharf and dock carpenters; Riggers; Boom Men	11.38	.50	.60	.25	.03
PLASTERER TENDERS	8.10	.35	.35	.30	
PLASTERERS	9.40	.50	.60		.01
PLUMBERS; Pipefitters:					
Zone 1: Within a 15 mile radius from the center of each City, namely Salt Lake City, Ogden, and Provo, Utah	9.40	.51	1.00		.04
Zone 2: Zone 1 plus 15 miles	9.70	.51	1.00		.04
Zone 3: Zone 2 plus 15 miles	10.05	.51	1.00		.04
Zone 4: Zone 3 plus 15 miles	11.40	.51	1.00		.04
Zone 5: All areas beyond Zone 4	11.90	.51	1.00		.04
REFRIGERATION & AIR CONDITIONING:					
Under 50 tons	8.55	.51	.75		.04
50 tons and over	9.15	.51	.75		.04
ROOFERS	9.06	.57	.35		
SHEET METAL WORKERS	9.83	.50	.54		.08
SOFT FLOOR LAYERS	8.28	.51	.12		
SPRINKLER FITTERS	10.43	.60	.90		.08
TERRAZZO WORKERS	9.40	.20			
TILE SETTERS	9.40	.20			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employees who have been employed for a period of 1 year shall have 3 weeks vacation with pay. Should a holiday listed below occur within an employee's vacation period he shall be allotted an additional day's vacation. Any employee who has served continuously with one company for 12 or more years as of October 31, 1969, will continue to receive an additional week's vacation. For those employees who have voluntarily quit or are terminated prior to working 12 months, there will be accumulated for such employee by each individual employer for all straight time hours worked, 6% of his gross income for such straight time hours upon termination of such employment.

HOLIDAYS:
Straight time shall be paid when the following holidays are worked: New Year's Day; President's Day; Memorial Day; Independence Day; Pioneer Day; Labor Day; Thanksgiving Day and Christmas Day.
Other than temporary employees shall be paid for all such holidays regardless upon which day in the week the holiday shall fall. When work is performed on a holiday, an additional straight time rate shall be paid. No work will be performed on Labor Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Building					
Group 1	$ 6.80	.50	.60	.25	.03
Group 2	6.93	.50	.60	.25	.03
Group 3	7.05	.50	.60	.25	.03
Group 4	7.30	.50	.60	.25	.03
Group 5	7.80	.50	.60	.25	.03
POWER EQUIPMENT OPERATORS: Steel Erection					
Group 1	9.22	.75	1.565	.75	.10
Group 2	9.60	.75	1.565	.75	.10
Group 3	10.61	.75	1.565	.75	.10
Group 4	10.75	.75	1.565	.75	.10
Group 4-A	11.04	.75	1.565	.75	.10
Group 5	11.52	.75	1.565	.75	.10
Group 6	11.93	.75	1.565	.75	.10
Group 6-A	12.49	.75	1.565	.75	.10
Group 7	13.47	.75	1.565	.75	.10
			1.565		
Piledriving					
Group 1-A	8.78	.75	1.565	.75	.10
Group 1-B	9.11	.75	1.565	.75	.10
Group 1-C	9.26	.75	1.565	.75	.10
Group 2-A	9.89	.75	1.565	.75	.10
Group 2-B	10.10	.75	1.565	.75	.10
Group 3	10.40	.75	1.565	.75	.10
Group 3-A	10.78	.75	1.565	.75	.10
Group 4	11.33	.75	1.565	.75	.10
Group 5	11.48	.75	1.565	.75	.10
Group 6	12.49	.75	1.565	.75	.10

LABORERS* Heavy and Highway	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.455	$ 7.455	.35	.35	.30	.04
Group 2	6.58	7.58	.35	.35	.30	.04
Group 3	6.705	7.705	.35	.35	.30	.04
Group 4	6.83	7.83	.35	.35	.30	.04
Group 5	7.18	8.18	.35	.35	.30	.04
Group 6	7.68	8.68	.35	.35	.30	.04
Tunnel and Shaft Work						
Group 1	6.58	7.58	.35	.35	.30	.04
Group 2	6.68	7.68	.35	.35	.30	.04
Group 3	6.78	7.78	.35	.35	.30	.04
Group 4	6.88	7.88	.35	.35	.30	.04
Group 5	7.18	8.18	.35	.35	.30	.04
Group 6	7.33	8.33	.35	.35	.30	.04
*LABORERS - AREA DEFINITION:	See "Area Definition" - following Truck Drivers.					
POWER EQUIPMENT OPERATORS:*						
Group 1	$ 7.56	8.56	.75	1.475+.09	.75	.10
Group 2	7.84	8.84	.75	1.475+.09	.75	.10
Group 3	8.19	9.19	.75	1.475+.09	.75	.10
Group 4	8.37	9.37	.75	1.475+.09	.75	.10
Group 4-A	8.48	9.48	.75	1.475+.09	.75	.10
Group 5	8.48	9.48	.75	1.475+.09	.75	.10
Group 6	8.94	9.94	.75	1.475+.09	.75	.10
Group 7	9.09	10.09	.75	1.475+.09	.75	.10
Group 7-A	9.20	10.20	.75	1.475+.09	.75	.10
Group 8	9.50	10.50	.75	1.475+.09	.75	.10
Group 8-A	9.56	10.56	.75	1.475+.09	.75	.10
Group 9	9.62	10.62	.75	1.475+.09	.75	.10
Group 10	9.78	10.78	.75	1.475+.09	.75	.10
Group 11	10.22	11.22	.75	1.475+.09	.75	.10
Group 11-A	11.18	12.18	.75	1.475+.09	.75	.10
Group 11-B	11.63	12.63	.75	1.475+.09	.75	.10
Group 12	11.79	12.79	.75	1.475+.09	.75	.10

LABORERS
Building

Group 1: General Laborer (all classifications not included in Groups 2, 3, 4, 5)

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete pump (head hoseman); Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., compressor, compactors, jackhammer, vibrator, concrete saw, chain saw and concrete cutting torch; Pipelayer; Laser instrument operator; Refinery tank and vessel cleaner; Sandblaster

Group 4: Air track and similar drills

Group 5: Powderman

LABORERS
Heavy and Highway

Group 1: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Chocker setter; Clearing and grading; Cleaning of equipment and parts in connection with concrete; Concrete Crews; Dockhand and Cleaning Man; Fence Erector and installer (includes installation and erection of fences, guardrails, median rails, reference posts, guide posts, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operators; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helpers; Laborers on wrecking and demolition; Nurseryman Helper; Prewaterman; Riprap Man (hand placed); Sloper; Spreader and Weighman; Stake Jumper; Stripping and cleaning of steel pans; Tool Dispatcher and Checker (full time); Unloading and packing of Reinforcing Steel Rods and Mesh

Group 2: Air Track and Wagon Drill Helper; Asphalt Rakers and Ironers; Concrete Head Hoseman; Dumpman; Gunite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Makers; Rollers; Screen and clean-up man; Signal and Dumpman on concrete construction; Tunnel and Belt Man

LABORERS (Cont'd)
Heavy and Highway

Group 3: Barko Vibratory Roller and similar type Compacting Machines; Concrete cutting torch; Hand and chain Saw Operator (bucking falling timber); High Pressure Water Nozzleman; J Tamper and similar type Tampers; Jackhammer and Pavement Breaker; Laser Beam Operator; Mortar and Grout Mixer; Multi-plate installer; Operator of pneumatic and electric tools and compressors and concrete saw; Operator of power-type form cleaner and oiling machine; Pipelayer; Powderman Helper; Power-type buggies; Pumpcrete Operators; Refinery Tanks and vessel Cleaners; Sandblasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using cutting torches and tools needed in wrecking

Group 4: Air Track and Core Diamond Driller; Drill Mechanic (on job site); High Scaler - operating Jackhammer or Breakers; Mailn Vibrators and similar type - 70 lbs.; Multiple Side Boom Driller; Wagon Driller

Group 5: Gunite Groundman; Gunite Nozzleman; Gunite Rodman

Group 6: Powderman

LABORERS
Tunnel and Shaft Work

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

Group 3: Nipper; Tapman; Vibrator; Screedman

Group 4: Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miners; Powder Make-up Man ; Spader and Tuggers; Steelman; Timberman

Group 5: Gunite Groundman; Gunite Nozzleman; Gunite Rodman; Concrete Head Hoseman

Group 6: Shifter

POWER EQUIPMENT OPERATORS

Group 1: Repairman Helper

Group 2: Asphalt Plant Fireman; Assistant to Engineer; Brakeman - Locomotive; Chainman; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Repairman Helper - Field; Rodman

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on street, highways, airports and canals); Truck Crane Oiler; Boxman, Asphalt Plant

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple-purpose; Front End Loader (up to and including 1 cu. yd. struck MRC); Hoist Operator - 1 drum; Line Master; Slip Form Pumps

Group 4-A: Slurry Seal Machine or similar

Group 5: Air Compressor Operator (2 or more compressors); Batch Operator (asphalt plant); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Small rubber-tired tractor; Small self-propelled pneumatic rollers; Towermobile Operator; Welding Machine (2 or more); Lube and Service Engineer (mobile and grease rack); Concrete Conveyor (building site)

Group 6: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer- locomotive; Fork Lift (construction jobsite); Kolman Loader (and similar); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck MRC); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired tractor (with attachments, including backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Surface Heater (self-propelled); Gradesetter

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Bridge Crane; Chip Box Spreader (Flaherty-type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineer (marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High Lift (40 ft. or similar); Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-Joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor Combination; Pavement Breaker, truck mounted, compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Compressor Drill combination; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Mechanical Burm, Curb and/or Curb and Gutter Machine: Concrete or Asphalt; Self-propelled Compactor with or without dozer; Drilling and Boring Machinery, Horizontal and Vertical (not to apply to waterliners, wagon drills or jackhammers); Self-propelled Compactor (with multiple-propulsion power units)

Group 7-A: Side Boom Operator; Tractor Operator (Bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, up to and including D-7 or similar); Instrument Man

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-mor Loader and Adams Elegrader; Euclid Loader and similar types; Koehring Skooper (or similar) (up to 5 cu. yds. struck MRC); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck MRC); Mechanical Trench Shield; Mucking Machine Operator; Rubber-tired Scrapers (under 35 cu. yds. struck MRC); Saurman-type Dragline (under 5 cu. yds. struck MRC); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine grader); Tri-batch Paver; Tunnel Mole (or similar); Asphalt Plant Engineer; Engineer, crushing plant; Combination Backhoe and Loader (3/4 yds. and over struck MRC)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator (bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, larger than D-7 or similar)

Group 9: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden-type or similar designs and capacity)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 10: D.W. 10, 20, etc. (Tandem Scrapers); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck MRC); Locomotive (over 100 tons) (single or multiple units); Pre-stress Wire Wrapping Machine; Saurman-type Dragline (5 cu.yds. and over struck MRC); Tractor (tandem scrapers); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell, crane, gradeall, etc.) (up to and including 5 cu. yds. struck MRC); Self-propelled Boom-type lifting device (center mount) (over 10 tons)

Group 11: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar) (5 cu. yds. and over struck MRC); Multiple Propulsion power unit earth movers (up to and including 75 cu. yds. struck MRC); Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. struck MRC); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over struck MRC); Slip Form Paver (concrete or asphalt); Tandem Tractors; Tower Cranes Mobile

Group 11-A: Loader Operator (over 12 cu. yds. struck MRC, up to 18 cu. yds. MRC); Multi-purpose earth moving machines (2 or more scrapers) (over 75 cu. yds. struck MRC); Power Shovels and Draglines (over 7 cu. yds. struck MRC)

Group 11-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 12: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS
Steel Erection

Group 1: Assistant to Engineer (oiler)

Group 2: Compressor Operator; Rodman, Chainman; Generator, gasoline or diesel driven (100 KW or over) (structural steel or tank erection only); Assistant to Engineer (truck crane oiler)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman - Welder

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection

Group 5: Dual-purpose A-Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons MRC or less); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less MRC); Single Drum Hoist; Tugger Hoist; Chief of Party

Group 6: Crawler Cranes and Truck Cranes (over 15 tons MRC); Derricks; Highline Cableway; Gantry Rider (or similar equipment); Self-propelled Boom-type lifting device (center mount) (over 10 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types); 2 or more drum Hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS
Piledriving

Group 1-A: Assistant to Engineer (deckhand, fireman, oiler)

Group 1-B: Compressor Operator

Group 1-C: Assistant to Engineer (truck crane oiler)

Group 2-A: Operator of Tugger Hoist (hoisting materials only)

Group 2-B: Compressor Operator (over 2); Generators; Pumps; Welding Machines (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less MRC)

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 Pile-driving Rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) up to and including 1 cu. yd. rating; Self-propelled Boom-type lifting device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only)

Group 5: Operator or diesel or gasoline powered Crane Piledriver (without boiler) over 1 cu. yd. rating; Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS:*	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dump Trucks - Water level capacity (bottom, end and side) (including Dumpster Trucks, Euclid type Trucks, Turnawagons, Turnarockers and Dumpcrete)						
Less than 8 yards	$ 8.00	$ 9.50	.54	.65	.82	.10
8 yards and less than 14 yards	8.15	9.65	.54	.65	.82	.10
14 yards and less than 35 yards	8.30	9.80	.54	.65	.82	.10
35 yards and less than 55 yards	8.50	10.00	.54	.65	.82	.10
55 yards and less than 75 yards	8.70	10.20	.54	.65	.82	.10
75 yards and less than 95 yards	8.90	10.40	.54	.65	.82	.10
95 yards and less than 105 yards	9.10	10.60	.54	.65	.82	.10
105 yards and less than 130 yards	9.22	10.72	.54	.65	.82	.10
All 130 cu. yds. and over to be paid one-half cent ($.005) per cu. yds. capacity per hour in addition to rate for 105 yards and less than 130 yards						
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (carrying capacity):						
Pickup	7.825	9.325	.54	.65	.82	.10
Less than 10 tons	7.90	9.40	.54	.65	.82	.10
10 tons and less than 15 tons	8.05	9.55	.54	.65	.82	.10
15 tons and less than 20 tons	8.15	9.65	.54	.65	.82	.10
20 tons and over	8.30	9.80	.54	.65	.82	.10
Transit Mix Trucks:						
4½ yards capacity and less	8.025	9.525	.54	.65	.82	.10
Over 4½ yards to and including 6½ yards capacity	8.125	9.625	.54	.65	.82	.10
Over 6½ yards capacity	8.225	9.725	.54	.65	.82	.10
Concrete Pumping Trucks	8.225	9.725	.54	.65	.82	.10

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Water, Fuel and Oil Tank Trucks:						
Less than 1200 gallons	$ 7.875	$ 9.375	.54	.65	.82	.10
1200 gallons to less than 2500 gallons	8.00	9.50	.54	.65	.82	.10
2500 gallons to less than 4000 gallons	8.15	9.65	.54	.65	.82	.10
4000 gallons to less than 6000 gallons	8.45	9.95	.54	.65	.82	.10
6000 gallons to less than 10,000 gallons	8.70	10.20	.54	.65	.82	.10
10,000 gallons to less than 15,000 gallons	8.95	10.45	.54	.65	.82	.10
15,000 gallons to less than 20,000 gallons	9.20	10.70	.54	.65	.82	.10
20,000 gallons to less than 25,000 gallons	9.45	10.95	.54	.65	.82	.10
Over 25,000 gallons	9.70	11.20	.54	.65	.82	.10
Oiler Spreader Operator (on single man operation where boot man is not required)	8.70	10.20	.54	.65	.82	.10
Construction Job Servicemen:						
Telescopic Manlift Truck	8.20	9.70	.54	.65	.82	.10
Fork Lift (under 6 tons) and Straddle Truck	8.20	9.70	.54	.65	.82	.10
Truck Driver Helper	7.775	9.275	.54	.65	.82	.10
Chauffeurs	7.775	9.275	.54	.65	.82	.10
Warehousemen (Counter Clerk)	7.95	9.45	.54	.65	.82	.10
Washers	7.975	9.475	.54	.65	.82	.10
Tireman and Greaser	8.40	9.90	.54	.65	.82	.10
Gas Station Attendants	7.825	9.325	.54	.65	.82	.10
Fork Lift (over 6 tons)	8.30	9.80	.54	.65	.82	.10
Teamster Mechanic	9.01	10.51	.54	.65	.82	.10
Teamster Mechanic Helper	8.76	10.26	.54	.65	.82	.10
Teamster Welder	9.01	10.51	.54	.65	.82	.10
Teamster Driving two horses	8.775	10.275	.54	.65	.82	.10
Teamster Driving three or more horses	8.875	10.375	.54	.65	.82	.10
Sweeper or Vacuum Truck	8.15	9.65	.54	.65	.82	.10

*SEE Following Pages for Area Definition

AREA DEFINITIONS

Laborers
(Heavy and Highway Construction)
Power Equipment Operators
Truck Drivers

Area 1: All areas included in the description defined below which is based upon township and range lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah/Nevada border and the Southerly line of township 35 south;
Thence easterly to the S.E. corner of township 35 south, range 17 west;
Thence northerly to the S.E. corner of township 34 south, range 17 west;
Thence easterly to the S.E. corner of township 34 south, range 16 west;
Thence northerly to the S.E. corner of township 30 south, range 16 west;
Thence easterly to the S.E. corner of township 30 south, range 15 west;
Thence northerly to the S.E. corner of township 25 south, range 15 west;
Thence easterly to the S.E. corner of township 25 south, range 14 west;
Thence northerly to the S. E. corner of township 24 south, range 14 west;
Thence easterly to the S.E. corner of township 24 south, range 13 west;
Thence northerly to the S.E. corner of township 23 south, range 13 west;
Thence easterly to the S.E. corner of township 23 south, range 12 west;
Thence northerly to the S.E. corner of township 18 south, range 12 west;
Thence easterly to the S.E. corner of township 18 south, range 11 west;
Thence northerly to the S.E. corner of township 16 south, range 11 west;
Thence easterly to the S.E. corner of township 16 south, range 10 west;
Thence northerly to the S.E. corner of township 15 south, range 10 west;
Thence easterly to the S.E. corner of township 15 south, range 9 west;
Thence northerly to the S.E. corner of township 14 south, range 9 west;
Thence easterly to the S.E. corner of township 14 south, range 8 west;
Thence northerly along the easterly line of range 8 west, crossing the Salt Lake Base Line to the intersection of the easterly line of range 8 west and the northerly border of Utah;
Thence easterly along the northerly border of Utah crossing the Salt Lake Meridian to the Utah/Idaho/Wyoming border;
Thence southerly along the Utah/Wyoming border;
Thence easterly along the Utah/Wyoming border to the intersection of the Utah/Wyoming border and Longitude 111 degrees west;
Thence southerly along Longitude 111 degrees west crossing the Salt Lake Base Line to the intersection of Longitude 111 degrees west and the southerly line of township 4 south;
Thence easterly along the southerly line of township 4 south to the S.E. corner of township 4 south, range 17 east;
Thence northerly to the S.E. corner of township 1 south, range 17 east;
Thence easterly along the southerly line of township 1 south to the intersection of the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the intersection of the Utah/Colorado border and the southerly line of township 7 south;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence westerly along the southerly line of township 7 south to the S.W. corner of township 7 south, range 20 east;
Thence southerly to the S.E. corner of township 8 south, range 19 east;
Thence westerly along the southerly line of township 8 south to the S. E. corner of township 8 south, range 12 east;
Thence southerly along the easterly line of range 12 east to the S.E. corner of township 20 south, range 12 east;
Thence westerly along the southerly line of township 20 south to the S.E. corner of township 20 south, range 3 east;
Thence southerly along the easterly line of range 3 east to the S.E. corner of township 27 south, range 3 east;
Thence westerly to the intersection of the southerly line of township 27 south and the Salt Lake Meridian, thence southerly along the Salt Lake Meridian to the intersection of the Salt Lake Meridian and the southerly line of township 39 south;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 south, range 2 west;
Thence southerly to the S.E. corner of township 41 south, range 2 west;
Thence westerly to the S.E. corner of township 41 south, range 3 west;
Thence southerly along the easterly line of range 3 west to the Utah/Arizona border;
Thence westerly along the Utah/Arizona border to the Utah/Arizona/Nevada border;
Thence northerly along the Utah/Nevada border to the point of beginning; commencing at the intersection of the Utah/Colorado border and the southerly line of township 34 south;
Thence westerly to the S.W. corner of township 34 south, range 21 east;
Thence northerly to the S.W. corner of township 29 south, range 21 east;
Thence westerly to the S.W. corner of township 29 south, range 19 east;
Thence northerly to the N.W. corner of township 23 south, range 19 east;
Thence easterly to the N.W. corner of township 23 south, range 22 east;
Thence northerly to the N.W. corner of township 21 south, range 22 east;
Thence easterly to the N.E. corner of township 21 south, range 24 east;
Thence southerly to the N.E. corner of township 31 south, range 24 east;
Thence easterly along the northerly line of township 31 south, to the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the point of beginning

AREA 2: All areas not included in Area 1 as defined.

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF OCTOBER 1, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 29th day of October 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/16/76
Mod. #1 - 41 FR 19004- 5/7/76
Mod. #2 - 41 FR 20117 - 5/14/76
Mod. #3 - 41 FR 21028 - 5/21/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 30492 - 7/23/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1063 (B)
41 FR 21043 - 5/21/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mod. #3 - 41 FR 21028 - 5/21/76
Mod. #4 - 41 FR 38708 - 9/10/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5095 (B,H,Hw,D,R)
41 FR 42060 - 9/24/76

ARIZONA

STATEWIDE
Decision #AZ76-5075 (B,H,Hw)
41 FR 35331 - 8/20/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5076 (R)
41 FR 35340 - 8/20/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5077 (R)
41 FR 35345 - 8/20/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
Mod. #1 - 41 FR 43557 - 10/1/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4132 (B)
41 FR 30511 - 7/23/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (B)
41 FR 30513 - 7/23/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4119 (B)
41 FR 29617 - 7/16/76
Mod. #1 - 41 FR 40369 - 9/17/76
Mod. #2 - 41 FR 43557 - 10/1/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5063 (B,H,Hw,D)
41 FR 29619 - 7/16/76
Mod. #1 - 41 FR 36365 - 8/27/76
Mod. #2 - 41 FR 40370 - 9/17/76
Mod. #3 - 41 FR 43557 - 10/1/76
Decision #CA76-5064 (R)
41 FR 29637 - 7/16/76
Mod. #1 - 41 FR 36366 - 8/27/76
Mod. #2 - 41 FR 40370 - 9/17/76
Mod. #3 - 41 FR 43559 - 10/1/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Mod. #1 - 41 FR 30492 - 7/23/76
Mod. #2 - 41 FR 42045 - 9/24/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
Mod. #1 - 41 FR 30496 - 7/23/76
Mod. #2 - 41 FR 42046 - 9/24/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76
Mod. #1 - 41 FR 30499 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision # CA76-5062 (R)
41 FR 26436 - 6/25/76
Mod. #1 - 41 FR 30500 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5067 (Hw)
41 FR 32115 - 7/30/76
ADAMS COUNTY
Decision #CO76-5084 (B,H)
41 FR 42067 - 9/24/76
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5087 (B,H)
41 FR 42091 - 9/24/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5085 (B,H)
41 FR 42077 - 9/24/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5086 (B,H)
41 FR 42083 - 9/24/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2111 (B,H,Hw,R)
41 FR 40378 - 9/17/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2112 (B,H,Hw)
41 FR 40386 - 9/17/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT76-2109 (R)
41 FR 38705 - 9/10/76
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
Mod. #2 - 41 FR 40371 - 9/17/76
Mod. #3 - 41 FR 43560 - 10/1/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 35318 - 8/20/76
Mod. #3 - 41 FR 37474 - 9/3/76
Mod. #4 - 41 FR 40371 - 9/17/76
(Remainder of County)
Decision # FL76-1108 (B)
41 FR 43555 - 10/1/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
Mod. #2 - 41 FR 37473 - 9/3/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75

FLORIDA (cont'd)

DADE COUNTY (Cont'd.)
Mod. #1 - 41 FR 55609 - 11/29/75
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County

OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canavera Air Force only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.) (Remainder of County)

Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
(Hw) - See Brevard County (Remainder of County)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75

GEORGIA (Cont'd.)

BAKER COUNTY
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12047 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76

GEORGIA (Cont'd.

CHATHAM COUNTY (Cont'd.)
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 28461 - 7/9/76
Mod. #5 - 41 FR 37474 - 9/3/76
(D,R) - See Bryan County
(Hw) - See Statewide
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76

Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1089 (B)
41 FR 36378 - 8/27/76
Mod. #1 - 41 FR 38708 - 9/10/76

Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76

(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide
DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 21033 - 5/21/76
Mod. #5 - 41 FR 32101 - 7/30/76
Mod. #6 - 41 FR 37474 - 9/3/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5092 (B,H,Hw,D,R)
41 FR 42099 - 9/24/76

IDAHO

STATEWIDE
Decision #ID76-5088 (B,H,Hw)
41 FR 42103 - 9/24/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2120 (B)
41 FR 43570 - 10/1/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2079 (H,Hw)
41 FR 34496 - 8/13/76
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 11722 - 3/19/76
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2063 (B)
41 FR 21023 - 5/21/76
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARKE COUNTY
Decision #IL76-2108 (B)
41 FR 36361 - 8/27/76
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
(B) - See Clarke County
CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/16/76
(H,Hw) - See Boone County
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1-41 FR 14272 - 4/2/76
Mod. #2-41 FR 15233 - 4/9/76
Mod. #3-41 FR 20121 - 5/14/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2072 (B)
41 FR 22715 - 6/4/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
Decision #IL76-2067 (B)
41 FR 21974 - 5/28/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76
(D) - See Alexander County
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(D,H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(B) - See Bond County
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B)-SSee Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2084 (H,Hw)
41 FR 27585 - 7/2/76
Mod. #1 - 41 FR 34480 - 8/13/76
Mod. #2 - 41 FR 35321 - 8/20/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2082 (B)
41 FR 27567 - 7/2/76
Mod. #1 - 41 FR 34479 - 8/13/76
Mod. #2 - 41 FR 35319 - 8/20/76
Mod. #3 - 41 FR 37475 - 9/3/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2083 (B,H,Hw)
41 FR 27577 - 7/2/76
Mod. #1 - 41 FR 34480 - 8/13/76
Mod. #2 - 41 FR 35320 - 8/20/76
Mod. #3 - 41 FR 37475 - 9/3/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4099 (B,H,Hw)
41 FR 24844 - 6/18/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
(H,Hw) - See Butler Co. (Excl Mason City)
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #IA76-4145 (B,H,Hw)
41 FR 38711 - 9/10/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington
Burlington Ordnance Plant
Decision #IA76-4146 (B,H,Hw)
41 FR 38713 - 9/10/76
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4147 (B,H,Hw)
41 FR 38716 - 9/10/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4148 (B,H,Hw)
41 FR 38719 - 9/10/76
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4149 (B,H,Hw)
41 FR 38722 - 9/10/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4150 (B,H,Hw)
41 FR 40393 - 9/17/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
Mod. #2 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS76-4134 (Hw)
41 FR 32127 - 7/30/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision # MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Mod. #1 - 41 FR 34481 - 8/13/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS76-4098 (B)
41 FR 23899 - 6/11/76
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY.
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Mod. #2 - 41 FR 29610 - 7/16/76
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY76-1110 (B)
41 FR 42113 - 9/24/76
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County
Decision #KY76-1101 (B)
41 FR 40366 - 9/17/76

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(H,Hw) - See Anderson County
(D) - See Ballard County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw,R) - See Ballard County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Decision #KY76-1106 (R)
41 FR 40367 - 9/17/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76
Decision #KY76-1107 (R)
41 FR 40367 - 9/17/76
(H,Hw) - See Allen County
(D) - See Ballard County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY76-1079 (B)
41 FR 30529 - 7/23/76
Mod. #1 - 41 FR 33128 - 8/6/76
Mod. #2 - 41 FR 36368 - 8/27/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
Mod. #3 - 41 FR 23887 - 6/11/76
Mod. #4 - 41 FR 29610 - 7/16/76
Mod. #5 - 41 FR 36368 - 8/27/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
R(R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
(H,Hw) - See Allen County
(D) - See Ballard County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
Mod. #3 - 41 FR 24834 - 6/18/76
Mod. #4 - 41 FR 29611 - 7/16/76
Mod. #5 - 41 FR 35323 - 8/20/76
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY76-1103 (R)
41 FR 40366 - 9/17/76
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
Mod. #1 - 41 FR 29612 - 7/16/76
(D) - See Ballard County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(R) - See Clay County
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
(R) - See Clay County
ROBERTSON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
ROWAN COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(R) - See Adair County
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30525 - 7/23/76
Mod. #1 - 41 FR 35323 - 8/20/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #LA76-4143 (B,Hw,R)
41 FR 35349 - 8/20/76
Mod. #1 - 41 FR 42047 - 9/24/76
Mod. #2 - 41 FR 43561 - 10/1/76
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
(F) - See Acadia Parish
CALCASIEU PARISH
(F) - See Acadia Parish
F(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
(F) - See Acadia Parish
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3216 (B)
41 FR 32132 - 7/30/76
Mod. #1 - 41 FR 40371 - 9/17/76
Decision #MD76-3217 - (H,Hw)
41 FR 32134 - 7/30/76
Mod. #1 - 41 FR 40371 - 9/17/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3227 (B,H)
41 FR 32146 - 7/30/76
Mod. #1 - 41 FR 42048 - 9/24/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3219 (Hw)
41 FR 32139 - 7/30/76
Decision #MD76-3218 (B,H)
41 FR 32136 - 7/30/76
Mod. #1 - 41 FR 42047 - 9/24/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
DDecision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76'
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw, R, & Marine)
41 FR 37479 - 9/3/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS (Cont'd.)

NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR=37490 - 9/3/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 42049 - 9/24/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(D) - See Alcona County
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2051 (B,H)
41 FR 16396 - 4/16/76
Mod. #1 - 41 FR 24836 - 6/18/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #MI76-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKERSON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
(B,H) - See Alger County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI76-2081 (R)
41 FR 26448 - 6/25/76
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(B,H) - See Bay County
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(D) - See Alcona County
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(D) - See Alcona County
(B,H) - See Grant Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2058 (H,Hw)
41 FR 20131 - 5/14/76
Mod. #1 - 41 FR 43561 - 10/1/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
Mod. #2 - 41 FR 20127 - 5/14/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
(D,Hw, W&S) See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CARROLL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
DE SOTO COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D) - See Statewide
(F)- See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

ISSAQUENA COUNTY (Cont'd.)
(R) - See Claiborne County
ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

SIMPSON COUNTY (Cont'd.)
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(B) - See Issaquena County
(D,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See STatewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See STatewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76!
(D,Hw, W&S) - See Statewide
(F) - See Adams County

(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F)- See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F)- See Adams County
YALOBUSHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4159 (H,Hw)
41 FR 43584 - 10/1/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Mod. #1 - 41 FR 34481 - 8/13/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO76-4108 (B)
41 FR 27624 - 7/2/76
Mod. #1 - 41 FR 34483 - 8/13/76
Decision #MO76-4107 (R)
41 FR 27621 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5071 (B)
41 FR 33130 - 8/6/76
Mod. #1 - 41 FR 42049 - 9/24/76
Decision #MT76-5072 (H,Hw)
41 FR 33148 - 8/6/76
Mod. #1 - 41 FR 36368 - 8/27/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5027 (R)
41 FR 15250 - 4/9/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4076 (H,Hw)
41 FR 18273 - 4/30/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4157 (H,Hw)
41 FR 43597 - 10/1/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4100 (B,R)
41 FR 24847 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4205 (B)
41 FR 23903 - 6/11/76
Mod. #1 - 41 FR 27543 - 7/2/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
(B) - See Hall County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5083 (B,H,Hw)
41 FR 38725 - 9/10/76
Mod. #1 - 41 FR 42050 - 9/24/76
Mod. #2 - 41 FR 43565 - 10/1/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5091 (R)(Excluding Nevada Test Site)
41 FR 42124 - 9/24/76
(B,H,Hw) - See Statewide
Decision #NV76-5080 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 35384 - 8/20/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5089 (R)
41 FR 42116 - 9/24/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH76-2093 (B,H,Hw,R)
41 FR 32162 - 7/30/76
MERRIMACK COUNTY
Decision #NH76-2113 (B,H,Hw, & Marine)
41 FR 40396 - 9/17/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH76-2095 (B,H,Hw,R, & Marine)
41 FR 32165 - 7/30/76
STRAFFORD COUNTY
Decision #NH76-2114 (B,H,Hw, & Marine)
41 FR 40399 - 9/17/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3248 (B,H,Hw)
41 FR 43598 - 10/1/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3249 (B,H,Hw)
41 FR 43613 - 10/1/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE
Decision #NM76-4141 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 33166 - 8/6/76
Decision #NM76-4144 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
41 FR 37495 - 9/3/76
Mod. #1 - 41 FR 40372 - 9/17/76
Mod. #2 - 41 FR 43566 - 10/1/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3197 (B,H,Hw)
41 FR 26497 - 6/25/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3203 (B,H,Hw)
41 FR 30553 - 7/23/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 43566 - 10/1/76
Decision #NY76-3228 (R)
41 FR 34526 - 8/13/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43566 - 10/1/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3239 (B,H,Hw)
41 FR 35434 - 8/20/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3243 (B,H,Hw)
41 FR 35453 - 8/20/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3234 (B,H,Hw)
41 FR 35417 - 8/20/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3128 (B,H,Hw)
41 FR 26451 - 6/25/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3227 (B,H,Hw)
41 FR 35429 - 8/20/76
Mod. #1 - 41 FR 40373 - 9/17/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3238 (B,H,Hw)
41 FR 36393 - 8/27/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3224 (B,H,Hw)
41 FR 35387 - 9/17/76
Mod. #1 - 41 FR 40373 - 9/17/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3241 (B,H,Hw)
41 FR 35443 - 8/20/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3229 (B,H,Hw)
41 FR 35392 - 8/20/76
ONONDAGA COUNTY
Decision #NY76-3230 (B,H,Hw)
41 FR 35398 - 8/20/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3232 (B,H,Hw)
41 FR 35409 - 8/20/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3242 (B,H,Hw)
41 FR 35447 - 8/20/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3231 (B,H,Hw)
41 FR 35403 - 8/20/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3235 (B,H,Hw)
41 FR 35425 - 8/20/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY

Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
Mod. #1 - 41 FR 28464 - 7/9/76
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC76-1085 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

GREENE COUNTY (Cont'd.)
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) -See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(R) - See Beaufort County
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMILCO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeaufortCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1049 (R)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
Mod. #1 - 41 FR 21995 - 5/28/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
Mod. #2 - 41 FR 34486 - 8/13/76
Mod. #3 - 41 FR 37477 - 9/3/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #OH76-2115 (B)
41 FR 42129 - 9/24/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #OH76-2110 (B)
41 FR 40402 - 9/17/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #OH76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
Decision #OH76-2088 (B)
41 FR 32089 - 7/30/76
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #OH76-2088 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2117 (B)
41 FR 43631 - 10/1/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #OH76-2086 (B)
41 FR 32169 - 7/30/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #OH76-2087 (B)
41 FR 30559 - 7/23/76
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #OH76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide
PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #OH76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #OH76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #OH76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/7
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4136 (B)
41 FR 32177 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 42050 - 9/24/76
Mod. #3 - 41 FR 43566 - 10/1/76
Decision #OK76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4138 (B)
41 FR 32182 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
Mod. #2 - 41 FR 32103 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
Mod. #4 - 41 FR 36377 - 8/27/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHAMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4135 (B)
41 FR 32175 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 42050 - 9/24/76
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
Mod. #1 - 41 FR 26426 - 6/25/76
Mod. #2 - 41 FR 32102 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
Mod. #1 - 41 FR 42051 - 9/24/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
ALLEGHENY COUNTY
(H,Hw) - See Butler County

Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
(B) - See Armstrong County
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
BEAVER COUNTY
(H,Hw) - See Butler County
(B) - See Armstrong County
BEDFORD COUNTY
Decision #PA76-3250 (B)
41 FR 42131 - 9/24/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 6/11/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3247 (B)
41 FR 40409 - 9/17/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 26427 - 6/25/76
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Butler County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
Mod. #3 - 41 FR 32104 - 7/30/76
Mod. #4 - 41 FR 42150 - 9/24/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3251 (B)
41 FR 42143 - 9/24/76
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 6/11/76
Mod. #1 - 41 FR 26428 - 6/25/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18265 - 4/30/76
(H,Hw) - See Butler County
FULTON COUNTY
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
Mod. #1 - 41 FR 42054 - 9/24/76
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 42051 - 9/24/76
(H,Hw) - See Butler County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3180 (B)
41 FR 23922 - 6/11/76
Mod. #1 - 41 FR 26429 - 6/25/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 32105 - 7/30/76
Mod. #4 - 41 FR 43567 - 10/1/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3180 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
(H,Hw)- See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Butler County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 38709 - 9/10/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Army Depot)
(B) - See Cumberland County (New Cumberland Army Depot)
(H,Hw) - See Adams County (New Cumberland Army Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 37477 - 9/3/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 38739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,HW) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5094 (B)
41 FR 42148 - 9/24/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5093 (B)
41 FR 42147 - 9/24/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1071 (B,H)
41 FR 23927 - 6/11/76
Mod. #1 - 41 FR 36377 - 8/27/76
(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76.
(F) - See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
MONTGOMERY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) -See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See STatewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See STatewide
SHELBY COUNTY
Decision #TN76-1083 (B,H,W&S & Utility)
41 FR 33180 - 8/6/76
Mod. #1 - 41 FR 38537 - 9/7/76
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(Hw) - See Statewide
(F) - See Anderson County
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(Hw) - See Statewide
(F) - See Anderson County
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4153 (H(Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 43635 - 10/1/76
ANDERSON COUNTY
Decision #TX76-4154 (R)
41 FR 43643 - 10/1/76
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4084 (B)
41 FR 21141 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 27545 - 7/2/76
Mod. #3 - 41 FR 30503 - 7/23/76
Mod. #4 - 41 FR 33128 - 8/6/76
Mod. #5 - 41 FR 43568 - 10/1/76
Decision #TX76-4155 (R)
41 FR 43645 - 10/1/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4125 (B)
41 FR 30563 - 7/23/76
Mod. #1 - 41 FR 35330 - 8/20/76
Mod. #2 - 41 FR 43568 - 10/1/76
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4157 (B)
41 FR 43649 - 10/1/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX76-4113 (R)
41 FR 29597 - 7/16/76
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/29/76
Mod. #2 - 41 FR 17296 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
Mod. #4 - 41 FR 30503 - 7/23/76
Mod. #5 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4101 (B)
41 FR 24876 - 6/18/76
Mod. #1 - 41 FR 27545 - 7/2/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32107 - 7/30/76
Mod. #4 - 41 FR 33128 - 8/6/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Mod. #1 - 41 FR 42058 - 9/24/76
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
Mod. #1 - 41 FR 21039 - 5/21/76
Mod. #2 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX76-4156 (R)
41 FR 43647 - 10/1/76
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/16/76
Mod. #2 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4151 (B)
41 FR 42149 - 9/24/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX76-4115 (B)
41 FR 29652 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/6/76
Decision #TX76-4116 (R)
41 FR 29601 - 7/16/76
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4081 (B,R)
41 FR 19039 - 5/7/76
Mod. #1 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
Mod. #1 - 41 FR 32107 - 7/30/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 42058 - 9/24/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4110 (B)
41 FR 27652 - 7/2/76
Mod. #1 - 41 FR 30505 - 7/23/76
Mod. #2 - 41 FR 33129 - 8/6/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(R) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX76-4117 (R)
41 FR 29603 - 7/16/76
Decision #TX76-4127 (B)
41 FR 30491 - 7/23/76
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21037 - 5/21/76
Mod. #3 - 41 FR 30503 - 7/23/76
Mod. #4 - 41 FR 43568 - 10/1/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
Mod. #3 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4152 (B)
41 FR 42152 - 9/24/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

VICTORIA COUNTY (Cont'd.)
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4128 (B)
41 FR 30566 - 7/23/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 35330 - 8/20/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5082 (B,H,Hw)
41 FR 38740 - 9/10/76
Mod. #1 - 41 FR 40374 - 9/17/76
Mod. #2 - 41 FR 42059 - 9/24/76
Mod. #3 - 41 FR 43568 - 10/1/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3225 (B)
41 FR 32141 - 7/30/76
Mod. #1 - 41 FR 34487 - 8/13/76
Mod. #2 - 41 FR 38709 - 9/10/76
Mod. #3 - 41 FR 42059 - 10/1/76
ALLEGHANY COUNTY
None
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
None
BATH COUNTY
None
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #VA76-3253 (Hw)
41 FR 42154 - 9/24/76

VIRGINIA (Cont'd)

BOTEBOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
None
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
None
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
None
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
None
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
None
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
None
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
None
LOUISA COUNTY
None
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
None
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
None

VIRGINIA (Cont'd)

PAGE COUNTY
None
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
None
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
None
ROCKINGHAM COUNTY
None
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5079 (B,H,Hw,D)
41 FR 35457 - 8/20/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3226 (B,Hw,W&S)
41 FR 32194 - 7/30/76
Mod. #1 - 41 FR 36377 - 8/27/76
Mod. #2 - 41 FR 38710 - 9/10/76
Mod. #3 - 41 FR 42059 - 9/24/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
(D) - See Cabell County

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI76-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/21/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.76-32160 Filed 11-4-76;8:45]

federal register

FRIDAY, NOVEMBER 5, 1976



PART VIII:

TENNESSEE VALLEY AUTHORITY

■

PRIVACY ACT OF 1974

Systems of Records; Correction

TENNESSEE VALLEY AUTHORITY
PRIVACY ACT OF 1974
Systems of Records

Correction

The purpose of this document is to give notice that the TVA systems of records identified in notices published in the Federal Register (40 FR 38685, 45123, 45326, 45327, and 49565) continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Dated: August 31, 1976.

Lynn Seeber,
General Manager.

Note: This document, originally published on page 40437 in the issue of Friday, September 17, 1976, is being published again in its entirety to reflect changes published in the preamble (40 FR 45326, 45327; October 1, 1975). These changes were inadvertently omitted from the September 17, 1976, publication.

TVA—1

System name: Apprentice Training Record System—TVA

System location: Personnel Correspondence File, MIB, Tennessee Valley Authority, Knoxville, Tennessee 37902; Personnel Management Information System, MIB, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Computing Services Branch, Old Post Office, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

All TVA locations where apprentices are employed.

Categories of individuals covered by the system: Current and former TVA apprentices.

Categories of records in the system: Employment, qualifications, and evaluation information.

Authority for maintenance of the system: National Apprenticeship Act of 1937, 50 Stat. 664 (1937).

TVA Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Bureau of Apprenticeship and Training, the Veterans Administration, Tennessee Valley Trades and Labor Council, and the Tennessee Department of Education for reporting and evaluation purposes.

To respond to a request from a Member of Congress regarding the status of an apprentice.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA employee:

job descriptions, dates of employment, reason for separation.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, disc, microfiche, and file folder.

Retrievability: Records are indexed by name, craft, job code, union code, and social security number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

Retention and disposal: Records are maintained from two to five years in accordance with established TVA record retention schedules and are then transferred to the Federal Records Center.

System manager(s) and address:

Director of Personnel
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, craft, and location of employment.

Record access procedures: Individuals seeking access to information about them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individual to whom the record pertains.

General Aptitude Test Battery scores from state employment security office.

References from employers, military and educational institutions.

Evaluations from joint committee on apprenticeship.

Systems exempted from certain provisions of the act: This system is exempt from subsections (d), (e)(4)(H), (f)(2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testimony and examination material would compromise the objectivity of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA—2

System name: Personnel Files—TVA

System location: Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; Division of Personnel, Personnel Management Information Services, Tennessee Valley Authority, Knoxville, Tennessee 37902; area employment offices in Knoxville, Chattanooga, Muscle Shoals, and Nashville; construction project employment offices; Computing Services Branch, Tennessee Valley Authority, Old Post Office, Chattanooga, Tennessee 37401; Federal Personnel Records Center, St. Louis, Missouri 63118. Security—suitability investigatory files are located separately from other records in this system.

Duplicate copies of certain documents may also be located in the files of division personnel officers, supervisors, and administrative officers.

Categories of individuals covered by the system: Current and former TVA employees and applicants for employment.

Categories of records in the system: Information related to education; qualifications; work history; interests and skills; test results; performance evaluation; personnel actions; job description; salary and benefit information; service dates, including other Federal and military service; replies to congressional inquiries; medical data; and security investigation data.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Executive Order 10561; Executive Order 10577; Executive Order 10450; Executive Order 11478; Executive Order 11222; Security Act of August 27, 1950, 64 Stat. 476; Veterans Preference Act of 1944, 58 Stat. 387, as amended; Equal Employment Opportunity Act of 1972, Pub. L. 92-261, 86 Stat. 103; various sections of Title 5, USC, related to employment by TVA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To disclose test results to state employment services.

To a state employment security office in response to a request relating to a former employee's claim for unemployment compensation.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information, as requested, to a prospective employer of a TVA or former TVA employee: job descriptions, dates of employment, and reasons for separation.

To provide information as requested to the Civil Service Commission pursuant to Executive Orders 10450, 10577, and other laws.

To any agency of the Federal Government having oversight or review authority with regard to TVA activities.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees GrouP Life Insurance to Office of Federal Employees Group Life Insurance.

To transfer information necessary to support a claim for health insurance benefits to health insurance carrier.

To union representatives in exercising their responsibilities under TVA collective bargaining agreements.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA contractors and subcontractors engaged in studies and evaluation of TVA personnel management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on magnetic tape, disc, and microfiche.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Personal history records are transferred to Federal Personnel Records Center 1 year after termination of employment; congressional inquiries are retained indefinitely; test records are retained 10 years; occupational register cards are retained 1 year, with the exception of apprentices which are retained for 5 years; some information maintained on magnetic tape is erased after 1 year; records are disposed of in accordance with established TVA records retention schedules.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response.

Record access procedures: Individuals seeking to gain access to information about them in this system of records should contact Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. In addition, current employees may present requests for access to the personnel officer of the employing division. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

Systems exempted from certain provisions of the act: This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA—3

System name: Cooperative Training Program for Construction Craftsmen—TVA

System location: Division of Personnel, Human Resource Development Staff, Knoxville, Tennessee 37902.

Watts Bar Nuclear Plant, Box 2000, Spring City, Tennessee 37381.

Categories of individuals covered by the system: Participants in the Cooperative Training Program for Construction Craftsmen.

Categories of records in the system: Personal identifying information; testing information; evaluations.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To state employment services and prospective employers for use in placement of the student.

To request information from a Federal, state, or local agency or from private individuals if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged

with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

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 name and social security number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Filing systems are locked when unattended.

Retention and disposal: Records will be retained indefinitely.

System manager(s) and address:

Director of Personnel
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the Chief, Human Resource Development Staff, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record access procedures: Requests for access should be addressed to the Chief, Human Resource Development Staff, Division of personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Contesting record procedures: Individuals seeking to contest or amend information about them in this system of records should direct their request to the Chief, Human Resource Development Staff, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: Individuals to whom the record pertains; instructors.

Systems exempted from certain provisions of the act: This system is exempt from subsections (d); (e)(4)(H); (f)(2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA—4

System name: Demonstration Farm Records—TVA.

System location: Agricultural Resource Development Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Categories of individuals covered by the system: Tennessee Valley farmers participating in:

Rapid adjustment farm program; resource management farm program; unit test—demonstration farm program.

Categories of records in the system: Agricultural, investment, income, and labor information. The information in this system is not used in any determination about the rights, benefits, or privileges of an individual.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be disclosed to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in files, magnetic tape, disc, punched cards, microfilm and microfiche.

Retrievability: Records are indexed by an assigned code.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. All records are kept in secured facilities and locked when unattended.

Retention and disposal: Records are retained for an indefinite period.

System manager(s) and address: Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Notification procedure: Individuals upon whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name and state and county of the farm.

Record access procedures: All information maintained in this system of records has been supplied by the subject individual. However, requests for access may be directed to the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The information in this system is solicited from the individual to whom the record pertains by state extension services and universities.

TVA—5

System name: Discrimination Complaint File—TVA

System location: The following locations of the TVA Equal Employment Opportunity Staff:

315 New Sprankle Building, Tennessee Valley Authority, Knoxville, Tennessee 37902.

323 Chattanooga Bank Building, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Service Building, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Duplicate copies may be maintained in the files of the TVA division where the complaint originated.

Categories of individuals covered by the system: Employees or applicants who have received counseling or filed complaints of discrimination based on race, color, religion, sex, national origin, or age.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by TVA or the Civil Service Commission affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions, and recommendations.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Executive Order 11478.
42 USC 2000e-16.
29 USC 633a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A report of each complaint is made to the Civil Service Commission. If an administrative appeal is filed, the entire file is disclosed to the Civil Service Commission.

To the employee's representative and union.

To respond to a request from a Member of Congress regarding the status of a complaint.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are kept in file folders.

Retrievability: Records in this system are indexed by name.

Safeguards: Access to and use of these records are limited to those personnel whose official duties require such access.

Retention and disposal: These records are retained in accordance with established TVA records retention schedules.

System manager(s) and address:

Director of Equal Employment Opportunity
315 New Sprankle Building
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: Individuals who have filed discrimination complaints are aware of that fact. However, inquiries may be addressed to the system manager named above. Individuals should provide their full name, the approximate date of their complaint, and their employing organization, if employed.

Record access procedures: Individuals who have filed a discrimination complaint have been provided a copy of the record. However, an individual may gain access to the official copy of the complaint record by writing the system manager named above.

Contesting record procedures: Individuals who have filed a discrimination complaint have had an opportunity during the complaint procedure to amend their record. However, requests for amendment or correction of items not involving the complaint procedure may be addressed to the system manager named above.

Record source categories: The individual to whom the record pertains.

TVA personnel and other records.
Witnesses.

TVA—6

System name: Employee Accident Information System—TVA

System location: Division of Environmental Planning, Tennessee Valley Authority, at the following locations:

201 401 Building, Chattanooga, Tennessee 37401; 205 Old Post Office, Chattanooga, Tennessee 37401.

Accident reports may also be maintained in the file of the employing organization.

Categories of individuals covered by the system: Employees who have sustained a work-related injury or illness or have been involved, as the operator of a TVA vehicle, in a vehicular accident.

Categories of records in the system: Personal identifying information and information related to the accident, injury, or illness.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Occupational Safety and Health Act of 1970, Pub. L. 93-237, 87 Stat. 1024; Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of Labor as required by the Occupational Safety and Health Act.

To the Office of Workers Compensation Programs in relation to an individual's claim for compensation.

To respond to a request from a Member of Congress regarding the status of an employee.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on magnetic tape, cards, and file folders.

Retrievability: Records are indexed by name, date of birth, and social security number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Records are retained for 5 years, and after that period are retained in accordance with established TVA records retention schedules.

System manager(s) and address: Director of Environmental Planning, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, date of birth, and approximate date of injury.

Record access procedures: Individuals who desire access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The individual to whom the record pertains; TVA medical records; witnesses of accidents and injuries, including appraisers of property damage.

TVA—7

System name: Employee Accounts Receivable—TVA

System location: Division of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902; Division of Law, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Categories of individuals covered by the system: Employees or former employees who:

Authorize a payment for specified purposes in their behalf; receive overpayment of earnings; receive duplicate payments; are otherwise indebted to TVA.

Categories of records in the system: Personal identifying information and information concerning indebtedness and repayment.

Authority for maintenance of the system: 5 USC, chapter 55; Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punch cards, printouts, and posting documents.

Retrievability: Records are indexed by employing organization and social security number, or badge number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

Retention and disposal: Punch cards disposed of in three months, printouts in three years, and posting documents in six years.

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization. Provision of the social security number is not required, but may expedite TVA's response.

Record access procedures: Individuals who seek access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individual to whom the record pertains; TVA payroll records; TVA disbursement voucher records.

TVA—8

System name: Employee Alleged Misconduct Investigatory Files—TVA

System location: Division of Law, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Categories of individuals covered by the system: Employees or former employees about whom a complaint of misconduct during employment has been made.

Categories of records in the system: Information regarding conduct during employment with TVA which may be in violation of law or regulations.

Authority for maintenance of the system: TVA Act, 16 USC 831b (1970); Executive Order 10450; Executive Order 11222; Hatch Political Activities Act, 5 USC 732 et. seq. (1970); 28 USC 535 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA Equal Employment Opportunity procedures.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information as requested to the Civil Service Commission pursuant to Executive Orders 10450 and 10577 and other laws.

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 and retrieved by individual name.

Safeguards: These records are stored in a locked GSA-approved security container. Access to the records is limited to TVA attorneys and their administrative assistants who have a need for them in the course of TVA business and to other TVA employees whose need is approved by Division of Law management.

Retention and disposal: Records are disposed of in accordance with established TVA records retention schedules.

System manager(s) and address:

General Counsel
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: This system of records is exempt from th requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

Record access procedures: This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

Contesting record procedures: This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

Record source categories: This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

Systems exempted from certain provisions of the act: This system is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of section 3 of the Privacy Act of 1974 pursuant to section 3(k)(2) of the Privacy Act (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

TVA—9

System name: Medical Record System—TVA

System location: Division of Medical Services, Edney Building, Chattanooga, Tennessee 37401; all TVA medical facilities; Chattanooga Records Staging Area, Old Post Office, Chattanooga, Tennessee 37401; Computing Services Branch, Old Post Office, Chattanooga, Tennessee 37401; Federal Records Center, St. Louis, Missouri 63118; District Offices, Office of Workers Compensation Programs.

Categories of individuals covered by the system: Applicants for TVA employment, employees, former employees, official visitors, contractual assignees to TVA, interns, externs, employees of other Federal agencies examined under contract.

Categories of records in the system: Medical information pertinent to an individual's employment, official visit, or contractual work with TVA or other Federal agencies, including medical examination results, medical history treatment, and related information; workers compensation claim records; rehabilitation records; and information related to employee participation in the alcohol-drug abuse program.

Medical information relative to nuclear plant security.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; 5 USC 7902; Federal Employees Compensation Act, 5 USC Chapter 81; 5 USC Chapter 87 (Medical information relating to life insurance program); 5 USC 3301; Occupational Safety and Health Act of 1970, Pub. L. 93-237, 87 Stat. 1024 Pub. L. 91-616, Federal Civilian Employee Alcoholism Program and Pub. L. 92-255, Drug Abuse Among Federal Civilian Employees, which are amended in regard to confidentiality of records by Pub. L. 93-282; Public health laws (state and Federal) related to the reporting of health hazards, communicable diseases or other epidemiological information; Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, and rehabilitation agencies approved by the Office of Workers Compensation Programs for service to injured employees.

Medical records are used for employee population health monitoring, which includes routine clinical and epidemiological investigations. Such studies may require the transfer of selected items of medical data to health-related agencies, organizations, or professionals for the purpose of obtaining specialized clinical consultation, compiling vital and health statistics, or conducting biomedical investigations.

Alcohol-drug program records may be exchanged with a physician or treatment center working with an employee, or in accordance with the provisions of Pub. L. 93-282.

Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers Compensation Programs, Retired Military Pay Centers, Veterans Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, the issuance of a security clearance, the reporting of an investigation of an employee, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To respond to a request from a Member of Congress regarding an employee.

In litigation including the presentation of evidence and disclosures to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for health insurance benefits to the health insurance carrier or plan participant.

To request information from a Government agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, discs, and in folders.

Retrievability: Records are indexed by name, social security number, date of birth, and employee compensation case number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Special instructions issued to medical staff employees assure the confidentiality of medical records.

Retention and disposal: Records are maintained in accordance with TVA rules and regulations approved by the National Archivist. Retention schedules specify the length of time various records are kept. Active medical records are kept indefinitely. Inactive files are kept in TVA records staging areas. Medical records of employees who have filed compensation claims are maintained by TVA for 10 years, then forwarded to the Federal Records Center for permanent retention. Medical records of former employees are retained for 10 years (20 years if required by the Occupational Safety and Health Act) following the date of the last medical record entry; they are then destroyed by burying. Records of applicants and other nonemployees are retained for 10 years and destroyed by burying.

System manager(s) and address: Medical Director, Tennessee Valley Authority, 320 Edney Building, Chattanooga, Tennessee 37401.

Notification procedure: Individuals should address inquiries to the system manager named above or to the medical office at the TVA facility where employed, if a current employee.

Individuals should provide their full name, date of birth, employing organization, and date of last employment, and employee compensation case number, if any. Provision of social security number is not required but may expedite TVA's response.

Record access procedures: Individuals who desire access to information about them in this system of records should contact or address their inquiries to the system manager named above or the medical office at the TVA facility where currently employed.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The individual to whom the record pertains; TVA medical staff; private physicians and medical institutions; Office of Workers' Compensation Programs; TVA personnel records; other health agencies and departments.

TVA—10

System name: Employee Statements of Employment and Financial Interests—TVA

System location: Employment Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies may be kept in division directors' offices.

Categories of individuals covered by the system: All TVA employees at TVA grade M-8 and above; employees at TVA grades M-5, M-6, and M-7 in positions designated by the General Manager or a division director as requiring submission of a statement; every TVA consultant who is a "special Government employee;" every TVA personal service contractor who is a "special Government employee" and who is determined to be an "expert" or who is otherwise required to submit a statement.

Categories of records in the system: Statement of employment and financial interests.

Authority for maintenance of the system: Executive Order 11222; 18 USC 208; Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To report as requested to the Civil Service Commission pursuant to Executive Order 10577 and other laws.

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 name.

Safeguards: Access to and use of these records are limited to those persons designated by the General Manager to review statements of financial interests and no other disclosure is permitted without the consent of the General Manager. All filing systems are locked when unattended.

Retention and disposal: Records are retained in accordance with established records retention schedules.

System manager(s) and address: General Manager, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals upon whom records are maintained in this system of records are aware of that fact by having filed a statement. However, inquiries may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name and employing division.

Record access procedures: Individuals wishing to gain access to information about them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: The individual to whom the record pertains.

TVA—11

System name: Payroll Records—TVA

System location: TVA Division of Finance, 310 Old Post Office, Knoxville, Tennessee 37902. Garnishment files are located at the Division of Law, Knoxville, Tennessee 37902. Duplicate copies of some records may also be maintained in the files of the employing division; National Personnel Records Center, St. Louis, Missouri 63118.

Categories of individuals covered by the system: All employees and personal service contractors selected for certain training programs.

Categories of records in the system: Personal identifying information; payn leave, and debt claim information.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Internal Revenue Code; Fair Labor Standards Act, 29 USC, chapter 8; 5 USC, chapter 63.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To report earnings and other required information to Federal, state, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

To transmit payroll deduction information to financial institutions and employee organizations.

To report earnings to courts when garnishments are served or in bankruptcy or wage earner proceedings.

To report earnings to unions for those crafts on which TVA contributions to union welfare or pension funds are based on earnings. Reports of hours worked are made to unions for those crafts on which such TVA contributions are based on hours worked.

To report earnings to the Department of Housing and Urban Development, state welfare agencies, and state employment security offices where an individual has made a claim for benefit with such agency.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedure.

To provide information as requested to the Civil Service Commission pursuant to Executive Order 10577 and other laws.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To disclose any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of Federal Employees Group Life Insurance.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transfer information necessary to support a claim for health insurance benefits to health insurance carriers.

To TVA contractors and subcontractors engaged in studies and evaluations to TVA payroll and personnel management.

To union representatives exercising their responsibilities under TVA collective bargaining agreements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, disc, hard-copy printouts and in file folders.

Retrievability: Records are primarily indexed by name. They may also be retrieved by reference to employing organization, date of end of pay period, social security or badge number, date of birth, sex, job title.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Filing systems are locked when unattended.

Retention and disposal: File folders are retained for three years after termination. Time sheets are retained for seven years. Payroll registers are retained in active status for one year, transferred to TVA record storage for five years, and to Federal Records Center for an additional 50 years. Magnetic tapes are retained for one year after termination.

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, employing organization, and date of last employment. The social security number is not required but may expedite TVA's response.

Record access procedures: Individuals seeking access to information on them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals seeking to amend or correct information on them in this system of records should contact the system manager named above.

Record source categories: Individual to whom the record pertains; TVA personnel records; employee's supervisor, for report of hours worked.

TVA—12

System name: Employee Travel Advance Records—TVA

System location: Division of Finance, Tennessee Valley Authority, 307 Old Post Office, Knoxville, Tennessee 37902.

Duplicate copies of these records may also be maintained in the files of the employee's division.

Categories of individuals covered by the system: TVA employees requesting travel advances.

Categories of records in the system: Name, address, employing organization, date and amount of travel advance, and repayment information.

Authority for maintenance of the system: 5 USC 5701-5709, and related Federal travel regulations; Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In an administrative or regulatory proceeding or in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are supervised and locked when unattended.

Retention and disposal: These records are retained permanently.

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization.

Record access procedures: Individuals who seek access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individual to whom the record pertains; TVA disbursement voucher records.

TVA—13

System name: Employment Applicant File—TVA

System location: Employment Branch, Tennessee Valley Authority, Basement, Miller's Building, Knoxville, Tennessee 37902; area and project employment offices.

Categories of individuals covered by the system: Applicants for employment including former employees seeking reemployment.

Categories of records in the system: Application forms and related correspondence.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; 5 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to a request from a Member of Congress regarding the status of an individual's application.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency, or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To disclose test results to state employment services.

To provide information as requested to Civil Service Commission pursuant to Executive Orders 10450 and 10577, and other law.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

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 name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Applications are kept for one year from last indication of interest, with the exception of apprenticeship applications, which are kept for five years.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902, or to the area or project employment office to which application was sent. Requests should include the individual's full name, date of birth, and approximate date of application.

Record access procedures: Individuals wishing to gain access to information on them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902, or the area or project employment office to which the application was sent. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: The individual on whom the record is maintained; educational institutions, employers, and other references; state employment services.

Systems exempted from certain provisions of the act: This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA—14

System name: Grievance Records—TVA

System location: Employee Relations Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies are also maintained in the files of the division concerned with the grievance.

Categories of individuals covered by the system: TVA employees and former employees who have formally appealed to TVA for adjustment of their grievances.

Categories of records in the system: Evidence and arguments relevant to the matter giving rise to the grievance and related correspondence.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to a request from a Member of Congress regarding the status of an employee's grievance.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, state, or local agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To refer, where there is an indication of a violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

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 name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals who have filed grievances are aware of that fact. Inquiries may however be addressed to the system manager named above. Requests should include the individual's full name and employing division.

Record access procedures: Individuals who have filed a grievance have been provided a copy of the record. However, an individual may gain access to the official copy of the record by contacting the system manager named above.

Contesting record procedures: The contest, amendment, or correction of a grievance record is permitted during the prosecution of that grievance. However, an individual may address requests for amendment or correction of items not involved in prosecution of the grievance to the system manager named above.

Record source categories: Individual to whom the record pertains; TVA personnel records; statements and testimony of witnesses and related correspondence.

TVA—15

System name: Land Between The Lakes Register of Hunter Applications—TVA

System location: Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231; Computing Center, Old Post Office Building, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Categories of individuals covered by the system: Applicants for participation in managed hunts at Land Between The Lakes.

Categories of records in the system: Personal identifying information and information related to the hunt.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Executive Order 6161.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to a request from a Member of Congress regarding the status of an applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, or to request information from a private individual to the extent necessary to obtain information relevant to a TVA decision concerning the issuance of a license to hunt or any other privilege.

To provide hunt information to state agencies concerned with wildlife management practices.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, card files, and computer printouts.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Files are kept in secured facilities.

Retention and disposal: Cards are maintained for one year before disposal. Other information may be retained indefinitely.

System manager(s) and address: Director of Forestry, Fisheries, and Wildlife Development, Tennessee Valley Authority, Norris, Tennessee.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address their inquiries to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231. Requests should include the individual's full name and the year of the application.

Record access procedures: All information maintained in this system of records has normally been supplied by the subject individual. However, requests for access may be directed to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

Record source categories: Individual on whom the record is maintained; TVA employees.

TVA—16

System name: Land Between The Lakes Register of Law Violations—TVA

System location: Land Between The Lakes, Tennessee Valley Authority, Patrol Office, Golden Pond, Kentucky 42231.

Categories of individuals covered by the system: Persons cited or arrested for violation of state or Federal law at Land Between The Lakes.

Categories of records in the system: Personal identifying information and information related to the investigation and disposition of the violation.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; 18 USC 7, 13; Kentucky Revised Statutes 150, Chapter 43, Kentucky Act, 1974; Tennessee Public Acts 1972, Chapter 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To provide criminal history information to criminal justice agencies and to Federal agencies conducting authorized security investigations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on cards.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Chief, Administrative and Protective Services, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

Notification procedure: This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

Record access procedures: This system of records has been exempted from this provision pursuant to section 3()(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

Contesting record procedures: This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

Record source categories: This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

Systems exempted from certain provisions of the act: This system is exempt from subsections (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G) and (H) and (I), (e)(5), (f), (g), and (h) of section 3 of the Privacy Act of 1974 pursuant to section 3(j)(2) of the Privacy Act (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

TVA—17

System name: Management Appraisal Records—TVA

System location: Records in this system are located in the files of the division where the individual is employed.

Categories of individuals covered by the system: TVA Management Schedule employees and those showing potential managerial talent.

Categories of records in the system: Performance evaluations and other job-related information.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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 name.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access.

Retention and disposal: Records are disposed of in accordance with established TVA records retention schedules.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the director of the division where employed.

Record access procedures: Individuals seeking access to information on them in this system of records should contact their division director.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to their division director.

Record source categories: Individual on whom the record is maintained; the individual's supervisor; TVA personnel records.

TVA—18

System name: Employee Supplementary Vacancy Announcement Records—TVA

System location: Employment Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; area employment offices in Knoxville, Chattanooga, and Nashville, Tennessee, and Muscle Shoals, Alabama.

Categories of individuals covered by the system: Employees applying for placement in announced vacant positions.

Categories of records in the system: Applications.

Authority for maintenance of the system: Executive Order 11478; Equal Employment Opportunity Act of 1972, Pub. L. 92-261, 86 Stat. 103; 5 USC 3101; Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

In litigation including the presentation of evidence and disclosure to opposing counsel 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 name.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Records are maintained in secured facilities.

Retention and disposal: Records are disposed of in accordance with established TVA records retention schedules.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals upon whom records are maintained in this system are aware of that fact through filing an application. However, inquiries may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name, position applied for, and location of job.

Record access procedures: Individuals upon whom records are maintained in this system have supplied all information in this system. However, requests for access may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: The individual upon whom the record is maintained.

TVA—19

System name: Consultant and Personal Service Contractor Records—TVA

System location: Personnel Files, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Payment records are located at these TVA Division of Finance offices: 214 Old Post Office, Knoxville, Tennessee 37902; 285 Haney Building, Chattanooga, Tennessee 37401; Service Building, Muscle Shoals, Alabama 35660.

Records related to personal service contractors employed under the Comprehensive Employment and Training Act of 1973, Pub. L. 93-203, are located at TVA Division of Forestry, Fisheries, and Wildlife Development offices in Norris, Tennessee, and Land Between The Lakes, Golden Pond, Kentucky 42231.

Duplicate copies of some records may be kept in the files of the employing division.

Categories of individuals covered by the system: Individuals who provide services to TVA; participants in TVA-state employment programs; and participants in other special employment programs.

Categories of records in the system: The Division of Personnel maintains contracts, records of the qualifications of the contractor, and related correspondence. For public service employment program participants the Division of Personnel maintains information related to job placement such as test scores, interest inventories, and supervisor's evaluations. Payment information is maintained by the Division of Finance.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Comprehensive Employment and Training Act, Pub. L. 93-203, 87 Stat. 839; Executive Order 11222; Executive Order 10450; Executive Order 10577; provisions of 5 USC, applicable to employment with TVA; Internal Revenue Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To transmit reports as requested to the Civil Service Commission pursuant to 5 USC 3323, Executive Orders 10577 and 10450, and other laws.

To report earnings information to the Internal Revenue Service and the Social Security Administration.

To respond to a request from a Member of Congress regarding the status of a contractor or consultant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transmit to the appropriate state contracting agency reports of hours worked by participants in the public service employment program, and to request reimbursement.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA consultant or personal service contractor: job descriptions, dates of employment, and reason for separation.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

For use in litigation including the presentation of evidence and disclosure to opposing counsel 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 and magnetic tape.

Retrievability: Records are indexed by name or voucher number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Records are disposed of periodically as appropriate.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to know if records on them are maintained in the system should address inquiries to the system manager named above. Requests shall include the individual's full name, employing or contracting division, and whether the individual was a participant in the public service employment program. Social security numbers are not required but may expedite TVA's response.

Record access procedures: Individuals wishing to gain access to information on them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

Systems exempted from certain provisions of the act: This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA—20

System name: Prospective Condemnation Witness File—TVA

System location: Division of Property and Supply, Tennessee Valley Authority, at the following locations:

406 Edney Building, Chattanooga, Tennessee 37401; Computing Center, Old Post Office, Chattanooga, Tennessee 37401.

Categories of individuals covered by the system: Individuals employed on contractual basis by TVA who are knowledgeable in real estate appraisal.

Categories of records in the system: Personal identifying information; qualifications and experience in appraisal.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards and magnetic tape.

Retrievability: Records in this system are indexed by name, social security number, county and state of work.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. System files are kept locked when unattended.

Retention and disposal: Records are kept for the period of time the individual is available to serve as a witness.

System manager(s) and address: Director of Property and Supply, 605 Lupton Building, Chattanooga, Tennessee 37401.

Notification procedure: Individuals on whom records in this system are maintained are aware of that fact through their work for TVA. However, inquiries may be addressed to the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, 406 Edney Building, Chattanooga, Tennessee 37401. Individuals should provide their full name and the county and state in which they have done appraisal work.

Record access procedures: Requests for access should be directed to the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, 406 Edney Building, Chattanooga, Tennessee 37401.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, 406 Edney Building, Chattanooga, Tennessee 37401.

Record source categories: The individual on whom the record is maintained; TVA employees who have worked with the individual.

TVA—21

System name: OEDC Quality Assurance Personnel Records—TVA

System location: Office of Engineering Design and Construction, Tennessee Valley Authority, at the following locations:

400 Fidelity Bank Building, Knoxville, Tennessee 37902
802 Walnut Street, Knoxville, Tennessee 37902
200 Mercantile Building, Knoxville, Tennessee 37902
Singleton Marine Way, Knoxville, Tennessee
617 Walnut Street, Knoxville, Tennessee 37902

Records for employees at a TVA nuclear power plant are maintained in the office of Supervisor, Quality Assurance, of Quality Control Units at the TVA nuclear power plant.

Categories of individuals covered by the system: Employees or former employees involved in quality assurance or quality control work.

Categories of records in the system: Information related to the qualifications of employees.

Authority for maintenance of the system: Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233 as implemented at Nuclear Regulatory Commission Regulatory Guide 1.58.

Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To the Nuclear Regulatory Commission or its authorized representatives for inspection or evaluation of TVA Quality Assurance procedures.

To respond to a request from a Member of Congress regarding the status of an employee.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

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 name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address:

Manager, Engineering Design and Construction
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the Quality Assurance Manager, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902. Inquiries should include the individual's full name and employing organization.

Record access procedures: Individuals who desire access to information about them in this system of records should contact the Quality Assurance Manager, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Quality Assurance Manager, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: The individual on whom the record is maintained.

TVA personnel records.

Systems exempted from certain provisions of the act: This system of records is exempt from subsection (d); (e)(4)(H); (f)(2), (3), and (4), to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The exemption is pursuant to section 3(k)(5) of the Privacy Act of 1974 (5 USC 552a(k)(5)) and TVA regulations at 18 CFR 301.24.

TVA—22

System name: Questionnaire—Farms in Vicinity of Proposed Nuclear Power Plant—TVA

System location: Agricultural Resource Development Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Categories of individuals covered by the system: Individuals from whom TVA purchases land for proposed nuclear plant; individuals having vegetable gardens, irregated land, dairy cows, and milk goats within 2-mile radius of proposed plant site.

Categories of records in the system: Personal identifying information and information related to agriculture, milk consumption, water resources, and farm product value.

This information is not used for making determinations about the rights, benefits, or privileges of any individual.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; National Environmental Policy Act, Pub. L. 91-190, 83 Stat. 852; Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used in developing environmental evaluations and impact statements. Certain relevant but nonsensitive information may be disclosed in these statements. Information may also be used:

In administrative and licensing proceedings including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To disclose to any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation including the presentation of evidence and disclosure to opposing counsel 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 assigned number and aerial photo number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

Retention and disposal: Records are maintained indefinitely or for the life of that plant.

System manager(s) and address: Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Notification procedure: Individuals on whom information is maintained in this system are aware of that fact through response to the questionnaire. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name, farm address, and approximate date of survey.

Record access procedures: Individuals on whom information is maintained in this system have supplied all such information. However, requests for access may be directed to the system manager named above.

Contesting record procedures: Individuals desiring to amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individual about whom the record is maintained.

TVA—23

System name: Radiation Dosimetry Personnel Monitoring Records--TVA

System location: Division of Environmental Planning, Tennessee Valley Authority, River Oaks Building, Muscle Shoals, Alabama 35660.

Categories of individuals covered by the system: Employees, former employees, and visitors who might be exposed or are exposed to radiation while in TVA installations.

Categories of records in the system: Information on the magnitude of exposure at TVA installations; exposure prior to employment.

Authority for maintenance of the system: Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233.

10 CFR 19, 20.

Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Nuclear Regulatory Commission for its use in evaluating TVA hazard control measures.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

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 name, film badge number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

Retention and disposal: These records are retained permanently.

System manager(s) and address:

Director of Environmental Planning
Tennessee Valley Authority
Chattanooga, Tennessee 37401

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual.s full name and whether or not a TVA employee.

Record access procedures: Individuals who desire access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Individuals to whom the record pertains; TVA personnel conducting radiation monitoring programs.

TVA—24

System name: Reforestation, Erosion Control, and Plantation Case History Record—TVA

System location: Division of Forestry, Fisheries, and Wildlife Development, Forestry Building, Norris, Tennessee 37828.

Categories of individuals covered by the system: Private landowners involved in early TVA-Civilian Conservation Corps tree planting programs.

Categories of records in the system: Forest acreage, performance, and yield information.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Executive Order 6161.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on file cards.

Retrievability: Records are indexed by state, county, and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Building is locked when unattended.

Retention and disposal: This information is kept permanently for archival purposes.

System manager(s) and address: Director of Forestry, Fisheries, and Wildlife Development, Forestry Building, Norris, Tennessee 37828

Notification procedure: Individuals on whom records are maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individuals should provide their full name, state, and county of residence.

Record access procedures: Individuals who desire access to information about them in this system of records should address their inquiries to the system manager.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The individual to whom the record pertains; state forestry personnel; TVA surveys.

TVA—25

System name: Rehabilitation and Career Counseling Records--TVA

System location: Division of Personnel, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Categories of individuals covered by the system: Employees, former employees, applicants.

Categories of records in the system: Medical, counseling, and employment-related information.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Rehabilitation Act of 1973, Pub. L. 93-112; Vietnam Era Veterans' Readjustment Assistance Act of 1974, Pub. L. 93-508.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To vocational rehabilitation agencies and private physicians to aid in treatment, rehabilitation, and placement assistance.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

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 name.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Filing systems are locked when unattended.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Notification procedure: Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record access procedures: Individuals who seek access to information about them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Record source categories: Individual to whom the record pertains; vocational rehabilitation agencies; educational institutions, former employers, and other reference sources; physicians; veterans Veterans Administration; Office of Workers Compensation Program.

TVA—26

System name: Retirement System Records—TVA

System location: TVA Retirement System, 400 Burwell Building, Knoxville, Tennessee 37902

Categories of individuals covered by the system: Active members of the TVA Retirement System; TVA employees who are members of the Civil Service Retirement System; relatives and beneficiaries receiving payment from TVA Retirement System; former TVA employees, terminated for six years or less.

Categories of records in the system: Personal identifying information; retirement, benefit, and investment information; related correspondence.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Internal Revenue Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To report earnings to the Internal Revenue Service.

To supply information on coverage to Blue Cross-Blue Shield of Tennessee, Provident Life Insurance Company, and other insurance carriers.

To disclose information to actuarial firms for valuation and projecting benefits.

To disclose information to the Medical Board of the TVA Retirement System for determinations related to disability retirement.

To certify insurance status to the Civil Service Commission and the Office of Federal Employees Group Life Insurance.

To respond to a request from a Member of Congress regarding the status of a system member.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision within the purpose of this system of records.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the issuance of any benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape and in file folders.

Retrievability: Records are indexed by name, sex, date of birth, address, social security number, active member number, retirement number, or salary.

Safeguards: Records in this system are maintained in locked files or safes, in secure facilities. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Retention periods vary from three years to permanent, depending on the nature of the information and the medium in which they are stored.

System manager(s) and address:

Chief, Retirement Services Branch
Division of Finance
Tennessee Valley Authority
Knoxville, Tennessee 37902

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Inquiries should include the individual's full name and date of birth. The social security number is not required but will expedite TVA's response.

Record access procedures: Individuals who desire access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals wishing to correct or amend information maintained on them in this system should address inquiries to the system manager named above.

Record source categories: The individual on whom the record is maintained; TVA personnel and payroll records.

TVA—27

System name: Test Demonstration Farm Records—TVA.

System location: Division of Agricultural Development, Tennessee Valley Authority, Test and Demonstration Branch, Muscle Shoals, Alabama 35660.

Categories of individuals covered by the system: Farmers located outside the Tennessee Valley participating in:

Rapid adjustment demonstration farm program.
Unit test-demonstration farm program.
Fertilizer technology farm program.
Enterprise farm program.

Categories of records in the system: Agricultural, income, investment, labor, and food data.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

To disclose to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in files, magnetic tapes, cards, and printouts.

Retrievability: Records are indexed by an assigned number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities and locked when unattended.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Notification procedure: Individuals seeking access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: Information in this system is solicited from the individual to whom the record pertains by state extension services and universities.

TVA—28

System name: Wildland Owner Survey Records—TVA

System location: Division of Forestry, Fisheries, and Wildlife Development, Forestry Building, Tennessee Valley Authority, Norris, Tennessee 37828.

Categories of individuals covered by the system: Private landowners, agencies, and corporations owning wildlands in Valley region and participating in TVA wildland resource management demonstration program.

Categories of records in the system: Personal, financial, and land resource information pertinent to wildland resource planning. The information in this system is not used by TVA in the determination about the rights, benefits, or privileges of the individual.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Executive Order 6161.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evaluated information is supplied to state forestry personnel for use in assisting the landowner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punched cards, magnetic tape. hard copy printouts, and file folders.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Forestry, Fisheries, and Wildlife Development, Forestry Building, Tennessee Valley Authority, Norris, Tennessee 37828

Notification procedure: Individuals on whom information is maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individuals should provide their full name and state of residence.

Record access procedures: Individuals on whom records are maintained have been provided copies of all information in that record. However, requests for access may be directed to the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The individual to whom the record pertains provides the information to state forestry personnel. The information is evaluated by TVA and returned to the state forestry personnel who utilize the information in evaluated form to assist the landowner.

TVA—29

System location: Division of Power Marketing, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Categories of individuals covered by the system: Individuals residing in households which are participating in an electric load metering survey program.

Categories of records in the system: Information relating to individual's income, work, home, and family size, which may be relevant to the household's use of electricity.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the distributor assisting TVA in the survey to enable employees of the distributor to help TVA with the survey program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and discs.

Retrievability: Records are indexed by an ID number assigned to each household.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Survey information will be retained until completion of the program and then be destroyed.

System manager(s) and address: Director, Division of Power Marketing, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Notification procedure: Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed

to the system manager named above. Requests should include the individual's full name and address.

Record access procedures: Requests for access may be directed to the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The information in this system is solicited from the individual to whom the record pertains by employees of the distributor assisting TVA in the survey.

[FR Doc.76-26199 Filed 9-2-76;12:34 pm]

federal register

FRIDAY, NOVEMBER 5, 1976



PART IX:

ADVISORY COMMITTEE ON FEDERAL PAY

■

PRIVACY ACT OF 1974

Systems of Records

ADVISORY COMMITTEE ON FEDERAL PAY

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Advisory Committee on Federal Pay hereby publishes the systems of records as currently maintained by the agency. The systems were published in the September 8, 1975 Federal Register (40 FR 41730). Changes not previously published in the Federal Register are itemized below:

"General Financial Records—(ACFP—1)" "System manager(s) and address: ACFP, Administrative Assistant, Room 101, 1016 16th Street, NW., Washington, D.C. 20036" has been changed to "System manager(s) and address: ACFP Staff Assistant, Suite 205, 1730 K Street, NW., Washington, D.C. 20006."

Under "Record access procedures" and "Contesting record procedures," "Administrative Assistant" has been changed to "Staff Assistant," and "5 CFR 401" has been changed to "5 CFR 1410."

The Advisory Committee on Federal Pay hereby publishes for comment a revision of the system designated "Payroll Records—(ACFP—2)" to incorporate an additional routine use. The Committee is also republishing the Appendix. Any person interested in commenting on the additional routine use contained in this notice may do so by submitting comments in writing to the Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006. Comments must be submitted within 30 days of publication of this notice. The routine use will become effective December 6, 1976, unless the Committee publishes another document.

Dated at Washington, D.C., on October 22, 1976.

Jerome M. Rosow,
Chairman.

ACFP—1

System name: General Financial Records—ACFP

System location: General Services Administration, Central Office; copies held by the ACFP. (GSA holds records for the ACFP under contract.)

Categories of individuals covered by the system: Committee employees and members.

Categories of records in the system: SF1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the ACFP who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also Public Law 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix following ACFP notices. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: ACFP Staff Assistant, Suite 205, 1730 K Street, NW., Washington, D.C. 20006.

Notification procedure: Contact system manager listed above.

Record access procedures: Committee members, past or present, or employees, past or present, who desire access to their individual records in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee access regulations in 5 CFR 1410.

Contesting record procedures: Committee members, past or present, or employees, past or present, who desire to contest record procedures in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee record contest regulations in 5 CFR 1410.

Record source categories: The subject individual; the Committee.

ACFP—2

System name: Payroll Records—Advisory Committee on Federal Pay.

System location: General Services Administration, Region 3 Office; copies held by the ACFP. (GSA holds records for the Advisory Committee on Federal Pay under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the ACFP and GSA employees to maintain adequate payroll information for ACFP employees, and otherwise by the ACFP and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, Public Law 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Staff Assistant.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006.

Notification procedure: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record access procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Contesting record procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record source categories: The subject individual; the Committee.

APPENDIX—Advisory Committee on Federal Pay

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation

of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

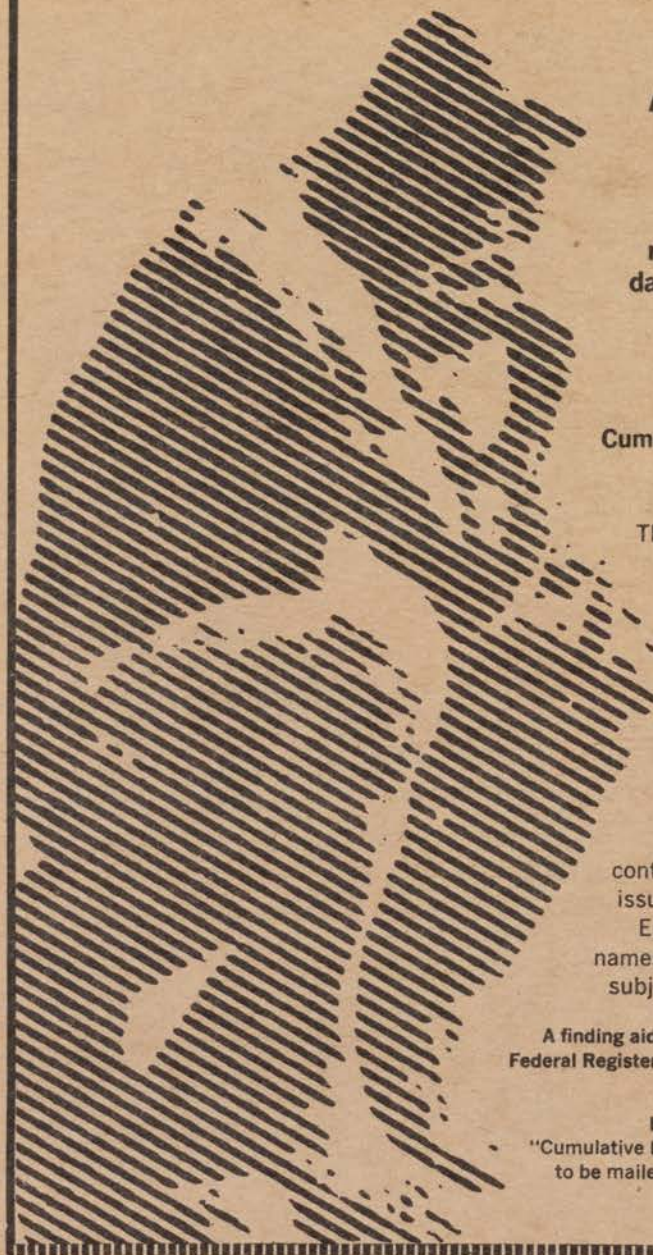
A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76-32115 Filed 10-29-76;10:12 am]



would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "Cumulative List of CFR Sections Affected," the "Federal Register Index," or both.

Cumulative List of CFR Sections Affected
$10.00
per year

The "Cumulative List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index $8.00
per year

Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the "Cumulative List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed $_____ for _____ subscription(s) to the publications checked below:

..... **CUMULATIVE LIST OF CFR SECTIONS AFFECTED ($10.00 a year domestic; $12.50 foreign)**

..... **FEDERAL REGISTER INDEX ($8.00 a year domestic; $10.00 foreign)**

Name _____

Street Address _____

City _____ **State** _____ **ZIP** _____

Make check payable to the Superintendent of Documents

☆ GPO: 1976—O-58-000